



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.11343 of 2015 and

M.P. (MD) No.2 of 2015

1. K.Ravikrishnan
2. Ponnayee
3. R.Harikrishnan

... Petitioners

-vs-

- 1.The District Collector,
Office of the District Collector,
Dindigul.

- 2.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

- 3.The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai, Dindigul District.

4. R.Periyasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to remove the encroachment thatched house put up by the 4th respondent in respect of S.No.228 situated at Muthampatti Village, Vedasandur Taluk, Dindigul District.

For Petitioners : Mr.A.C.Asaithambi

For R1 to R3 : Mr.T.S.Mohamed Mohideen
Addl. Govt. Pleader

For R4 : No Appearance

O R D E R

This writ petition has been filed, seeking a direction to the 2nd and 3rd respondents to remove the encroachment thatched house put up by the 4th respondent in respect of S.No.228 situated at Muthampatti Village, Vedasandur Taluk, Dindigul District.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for R1 to R3.



3. The case of the petitioners is that they submitted a representation dated 18.05.2015 to the respondents 1 to 3 for removal of encroachment put up by the 4th respondent in S.No.228 situated at Muthampatti Village, Vendasandur Taluk, Dindigul District, thereby blocking the pathway to enter the land of the petitioners. Since there was no response on the said representation, the petitioners are before this Court, seeking above direction. It is further submitted that the suit filed in O.S.No.131 of 2011 was also decreed in their favour on 26.04.2012.

4. The learned Additional Government Pleader appearing for R1 to R3 would submit that if a reasonable time is granted to the respondents 1 to 3, the representation of the petitioner will be considered and suitable orders be passed thereon.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents 1 to 3 to consider the representation submitted by the petitioner dated 18.05.2015 and pass necessary orders thereon on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, in the light of the Civil Court decree dated 26.04.2012 and also keeping in mind the pendency of Execution Petition, if any.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Office of the District Collector, Dindigul.
2. The Tahsildar,
Vendasandur Taluk, Dindigul District.
3. The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai, Dindigul District.

+1cc to M/s.A.C.ASAITHAMBI Advocate in SR. No. 88548

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 89112

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JS/KK/SAR.3/6.12.2017/2P-6C