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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2014

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application(MD)No.14 of 2014
in WP(MD)No. 1697 of 2014

T.Rajamanickam

... Petitioner

Vs.

1.The District Collector,
O/o.District Collector,
Kokirakulam,
Tirunelveli 627 009.

2.The Tahsildar,
Tiruchuli Taluk,
Tirunelveli District.

... Respondents

Review Application filed under Order 47 Rule 1 CPC, to review the order passed in W.P.(MD)No.1697 of 2014, dated 03.02.2014.

Prayer in WP(MD). 1697/ 2014 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to conduct detail enquiry regarding the illegal transfer of lands and encroachment in Sy.No. 768/2, 4,5,6&7 at Suthamalli Village, Tirunelveli Taluk, Tirunelveli District vide the petitioner's representation dated 03.06.2013 and to dispose the same within a time frame as fixed by this Honourable Court.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader.

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner filed public interest litigation in W.P.(MD) No.1697 of 2014, praying for the issue of a Writ of Mandamus to direct the first respondent to conduct an enquiry with regard to the illegal transfer of lands and encroachments. The writ petition was dismissed on 03.02.2014 on the short ground that the petitioner belongs to a different village than the one in which the alleged encroachments have taken place. Aggrieved by the dismissal of the writ petition, the petitioner has come up with the above Review Application.

<https://hservices.ecourts.gov.in/hcservices/>

2.Heard Mr.D.Saravanan, learned counsel appearing for the petitioner. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents.



3.Substantially, we do not find any ground to review our orders. The facts are not in dispute to the effect that the petitioner belongs to Pettai village and that the encroachments have allegedly happened in Suthamalli Village. Moreover, the petitioner had not impleaded those encroachers as parties to the writ petition. Therefore, we do not find any justification to review the order dated 03.02.2014.

4.However, the main grievance of the petitioner is that the authorities were actually taking action against the encroachers and that after the dismissal of the writ petition, the respondents have taken that as a ruse to stop further action. Therefore, while dismissing the review petition, we only make it clear that due to the mere dismissal of the writ petition filed by the petitioner, the encroachers would not get a licence to escape as and when the law takes its course. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
O/o.District Collector,
Kokirakulam,
Tirunelveli 627 009.

2.The Tahsildar,
Tiruchuli Taluk,
Tirunelveli District.

+lcc to Mr. D.Saravanan,Advocate in SR.No. 15059

+lcc to Special Government Pleader in SR.No. 15669.

TS/26.03.2014/2P-5C

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