



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 01.11.2017  
CORAM

**THE HONOURABLE Mr.JUSTICE A.SELVAM**  
and

**THE HONOURABLE Mr.JUSTICE N.AUTHINATHAN**  
**MADURAI BENCH MATTER THROUGH VIDEO CONFERENCING**

W.M.P. (MD) No.11489 of 2017

in

Rev.AplW. (MD) .SR.46881 of 2017

in

W.P. (MD) .No.11170 of 2017

K.Pandi

..Petitioner/3<sup>rd</sup> Party

Vs

1.N.Kalimuthan

..1<sup>st</sup> respondent/Petitioner in  
W.P. (MD) .No.11170 of 2017

2. The District Collector  
Ramanathapuram District  
Ramanathapuramk.

3. The Revenue Divisional Officer  
Ramanathapuram District  
Ramanathapuram.

4. The Tahsildar  
Thiruvadanai Taluk  
Thiruvadanai, Ramanathapuram District

5. The Block Development Officer  
Thiruvadanai Taluk  
Ramanathapuram District

6. The Assistant Engineer  
Water Resources PWD Office  
Thiruvadanai  
Ramanathapuram District

..Respondents 2 to 6

Prayer in WMP(MD).No.11489 of 2017 :-Petition filed under Section 151 of C.P.C., praying to grant Special Leave for Review Petition in W.P. (MD) .No.11170 of 2017, order dated 16.06.2017.

Prayer in in Rev.AplW. (MD) .SR.46881 of 2017 :- Petition filed Under Order 47 r/w.Section 114 of C.P.C., praying to review the order dated 16.06.2017 in W.P.No.11170 of 2017.

Prayer in WP(MD). 11170/ 2017 :

<https://hcservices.ecourt.gov.in/hcservices/> Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus



directing the respondents 3 to 5 to remove the encroachments made in the Theloor Periya Kanmaai situated in Survey No. 99, Theloor Village, Thiruvadanai Taluk, Ramanathapuram District based upon the petitioners representations dated 06.03.2017 and 13.06.2017.

WEB COPY

For Petitioner : P.Muthusamy

For Respondent : NA for R2 to R6

R1 - C.Jeyaprakash

**ORDER**

[Order of the Court was made by A.SELVAM, J.]

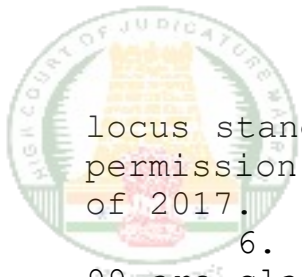
This petition has been filed praying to permit the petitioner to file a Review Petition so as to review the order dated 16.06.2017 passed in W.P.(MD).No.11170 of 2017 by this Court.

2. It is averred in the petition that Survey Nos.98 and 99, Thelore Village, Thiruvadanai, Ramanathapuram, have been classified as Tank. Further, it is averred that from the time of forefathers of the petitioner, cultivation of Cucumber and Ragi are being made. The 1<sup>st</sup> respondent, without mentioning Survey No.98 has filed Writ Petition in W.P.(MD).No.11170 of 2017 in respect of Survey No.99, wherein, this court has directed the concerned authorities to remove encroachment, by way of passing the impugned order and for the purpose of reviewing the same, for getting necessary permission, the present petition has been filed.

3. The learned counsel appearing for the petitioner has repeatedly contended to the effect that the petitioner and his forefathers for a period of three decades are cultivating Cucumber and Ragi in Survey Nos.98 and 99, Thelore, Thiruvadanai, Ramanathapuram. Even though some has been classified as Tanks, the 1<sup>st</sup> respondent, even without impleading the petitioner has erroneously filed W.P.(MD).No.11170 of 2017, wherein, this court has directed the concerned authorities to remove encroachment, by way of passing the impugned order and for the purpose of reviewing the same, for getting necessary permission, the present petition has been filed.

4. It is seen from the records that Survey No.99, Thelore, Thiruvadanai, Ramanathapuram, has been classified as irrigation tanks. It is an admitted fact that the 1<sup>st</sup> respondent/Writ Petitioner has filed W.P.(MD).No.11170 of 2017, so as to remove the encroachment which are in existence in Survey No.99 and this court, after considering the concerned records filed in W.P.(MD).No.11170 of 2017, has directed the concerned respondents/concerned officials to remove the encroachment.

5. Considering the fact that even Survey No.98 has been classified as irrigation tank and also considering that nobody has permitted either the petitioner or his forefathers to cultivate cucumber or ragi in Survey Nos.98 and 99, the petitioner has no



locus standi for filing present petition for getting the necessary permission, so as to review the order passed in W.P.(MD).No.11170 of 2017.

6. It has already been pointed out that Survey Nos.98 and 99 are classified as irrigation tanks. Since Survey Nos.98 and 99 are classified as irrigation tanks, nobody is entitled to make any kind of encroachment and in such circumstances, the petitioner is not having any locus standi to prefer the present petition.

In fine, this petition is dismissed. No costs. Consequently, \_Rev.Aplw.(MD).SR.46881 of 2017 is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
2. The Revenue Divisional Officer,  
Ramanathapuram District,  
Ramanathapuram.
3. The Tahsildar,  
Thiruvadanai Taluk,  
Thiruvadanai, Ramanathapuram District.
4. The Block Development Officer,  
Thiruvadanai Taluk,  
Ramanathapuram District.
5. The Assistant Engineer,  
Water Resources PWD Office,  
Thiruvadanai,  
Ramanathapuram District.

+1cc to Mr.P.Muthusamy, Advocate Sr.No.85305

NVSRI

VB/SV/MMS/SAR1/12/12/2017/3P/7C

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