



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

and

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8832 of 2014

and

M.P. (MD) No. 1 of 2014 & M.P. (MD) No. 1 of 2015

P. Rajkumar

... Petitioner

Vs.

1. The District Collector,
Trichy.

2. The District Revenue Officer,
Lalgudi Range,
Trichy District.

3. The Tahsildhar,
Manachanallur,
Trichy District.

4. Manickkam
5. Rengan
6. Ramasamy
7. Srirangam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to protect the lands in Survey.No.574/21 measuring 0.0109 is situated in Muvaraayampalayam, Melur, Thirupanjili Post, Manachanallur Taluk, Trichy District, belonging to Government and used as public pathway by villagers in common, by evicting the unauthorized encroachments and by preventing the respondents 4 to 7 and anybody else from encroaching the said lands.

For Petitioner : Mr. AL. Kannan

For Respondents 1 to 3 : Mr. T. S. Mohammed Mohideen

Additional Government Pleader

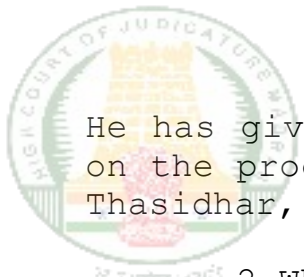
For Respondents 4 to 7 : Mr. S. Karthi

O R D E R

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The writ petitioner seeks eviction of the encroachment said

to have been made in survey number 574/21 in Muvaraayampalayam, Melur, Thirupanjili Post, Manachanallur Taluk, Trichy District.



He has given a representation in this regard. He placed reliance on the proceeding dated 01.04.2008 said to have been issued by the Thasidhar, Manachanallur.

2. When the matter was taken up for hearing, it was pointed out that the survey number is the subject matter of civil dispute in O.S.No.128 of 2008 on the file of District Munsif, Lalkudi. There is an injunction operating in favour of the private respondents. Therefore, considering the pendency of the civil dispute between the parties, this Court is not inclined to grant the direction sought for by the writ petitioner. It is also seen that the property in question is only a vacant site even as on date and that there are no encroachment thereon.

3. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Trichy.
2. The District Revenue Officer,
Lalgudi Range, Trichy District.
3. The Tahsildhar,
Manachanallur, Trichy District.
4. The District Munsiff, Lalgudi.

+1cc to M/S.AL.KANNAN, Advocate SR.No.75677

+1cc to M/S.S.KARTHIK, Advocate SR.No.75389

rmi/psd

MAS/SV-MMS/SAR2:14.09.2017:2P-7C

ORDER MADE IN

W.P. (MD) No.8832 of 2014
30.08.2017