



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.11888 of 2017

V.Krishnasamy

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Tahsildar Officer,
Theni,
Theni District.

4.S.Dhamodharan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the respondents 1 to 3 herein to take appropriate action to remove the encroachment made in Government Poramboke Land in Survey No.208/8 in Govinda Nagaram, Theni District by the fourth respondent herein on the basis of the petitioner's representation dated 21.11.2016 within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1 to R3 : Mr.T.S.MohamedMohideen,
Additional Government Pleader

O R D E R

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

The writ petitioner seeks removal of the encroachment in survey No.208/8 in Govinda Nagaram, Theni District. The fourth respondent is said to be an encroacher. The writ petitioner gave a representation dated 21.11.2016 in this regard. Since, no action was taken, the present writ petition came to be filed.



2. When the case was taken up for the hearing, it was revealed that the very same property was the subject matter in O.S.No.38 of 2009 on the file of the District Munsif Court, Theni. The writ petitioner sought declaratory relief in respect of the said property by contending that it is a natham poromboke and that it belongs to him absolutely. He also sought consequent relief of injunction. The said suit was dismissed on 13.11.2007. It was also confirmed in A.S.No.39 of 2012 on the file of the Sub Court, Theni on 29.04.2015.

3. After losing in the Civil proceedings, the present writ petition has been filed, giving a false picture as if the said land is a Government land and that it has been encroached by the fourth respondent. It is a gross abuse of legal process. This writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Theni District, Theni.

2. The Revenue Divisional Officer, Periyakulam, Theni District.

3. The Tahsildar,
Tahsildar Officer, Theni, Theni District.

+1cc to M/S.P.M.VISHUVARTHANAN, Advocate SR.No.72719

+1cc to M/S.R.G.SHANKAR GANESH, Advocate SR.No.72266

gsp/smi

MAS/KK/SAR2:19.09.2017:2P-6C

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