



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.16700 of 2017

and

W.M.P. (MD) .No.13305 of 2017

T.Ravi

.. Petitioner

Vs.

1.The Block Development Officer (Village Panchayat),
Kadayam,
Tirunelveli District.

2.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

3.Pavalakodi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order of the second respondent dated 04.08.2017 made in Na.Ka.No.A9/5177/16 and to quash the same and consequently direct the second respondent to remove the encroachments made by the third respondent in Survey No.570/25, South Kadayam Village, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.V.Sasikumar

For Respondent No.1 : Mr.T.R.Janarthanam

For Respondent No.2 : Mr.T.S.Mohamed Mohideen

Additional Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition against the proceedings dated 04.08.2017, on the file of the second respondent, whereby and whereunder, the Tasildhar, Ambasamudram Taluk, Tirunelveli, made it clear that till the proceedings for rectification of UDR entries are disposed of, there is no question of removal of encroachment stated to have been caused by the third respondent.

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

2. The third respondent appears to have filed a Civil Suit in O.S.No.135 of 2016, on the file of the District Munsif Court,



Ambasamudram. Since the Government failed to file written statement before the District Munsif Court, the Court granted temporary injunction till the disposal of the suit. There are multiple proceedings pending before the authorities. The second respondent was, therefore, correct in declining to remove the encroachment stated to have been caused by the third respondent. It is open to the Government to file written statement in O.S.No.135 of 2016 and contest the suit. We hope that in case written statement is filed by the Government, the learned District Munsif, Ambasamudram would take up the matter and dispose of the same on merits. It is always open to the petitioner to file appropriate application before the Trial Court for impleading, in case there is genuine interest shown by him in the subject matter. In any case, we do not see any error or illegality in the order passed by the second respondent. However, we make it clear that this order would not stand in the way of the second respondent taking a decision or the Civil Court passing a Judgment, taking into account the contention taken by the Government.

3. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1.The District Munsif, Ambasamudram.

2.The Block Development Officer (Village Panchayat),
Kadayam, Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk, Tirunelveli District.

+1cc to M/S.V.SASI KUMAR, Advocate SR.No.76721

+1cc to Special Government Pleader, SR.No. 76958

NB

MAS/KP/SAR3:21.09.2017:2P-6C

ORDER MADE IN
W.P. (MD) No.16700 of 2017
05.09.2017