



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 20.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.[MD].No.17727 of 2017

WEB COPY

Kesavan @ Kesavaperumal

: Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul Town,
Dindigul District.

3. The Tahsildar,
West Taluk,
Dindigul Town,
Dindigul District.

4. Thirumalaisamy @ Durairaj

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the 4th respondent in S.No.180/25 and 840/1, 2, 4 situated in Pallapatti Village, Dindigul Taluk & District.

For Petitioner

: Mr.R.Venkatesan for
M/s. Right Law Associates

For R1 to R3

: Mr.T.S.Mohemed Mohideen,
Additional Government Pleader

O R D E R

[Order of the Court was delivered by **M.M.SUNDRESH, J.**]

This writ petition has been filed by the petitioner seeking a direction to the respondents 1 to 3 to remove the encroachments made by the fourth respondent.

2.It appears that on an earlier occasion, the fourth respondent has approached this Court for filing a writ petition in W.P.(MD) No.399 of 2013, which was disposed of by the order, dated 24.07.2017 in the following manner:-



"2. On perusal of the impugned notice dated 27.12.2012, it is seen that the same was not preceded by any prior show cause notice. Therefore, on that ground, the impugned notice dated 27.12.2012 is quashed. It is open to the Tahsildar, Dindigul District, to initiate appropriate action on merits and in accordance with law, if the cause of action still survives.

3. The Writ petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed."

3. Now, the petitioner has filed this present writ petition *Inter alia* alleging that despite the order passed, no action is forthcoming. We are afraid that the writ petition is not maintainable. The order was passed by the Division Bench only on 24.07.2017.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that appropriate action will be taken against the fourth respondent as per law.

5. Recording the submission of the learned Additional Government Pleader, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Dindigul Town,
Dindigul District.

3. The Tahsildar,
West Taluk,
Dindigul Town,
Dindigul District.

+ 1 CC TO M/s. Right Law Associates, ADVOCATE IN SR No.79813

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.80353

cp/am

MK/KP/SAR-2/04.10.2017/2P/6C