



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.3628 of 2017

WEB COPY

Murugan

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Thasildar,
Radhapuram Taluk,
Tirunelveli District.

3. The Executive Officer,
Panchayat Union Office,
Lavanchipuram,
Radhapuram Taluk,
Tirunelveli District.

4.Rani

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the Mission Vilai Street, Lavanchi Village, Radhapuram Taluk, Tirunelveli District in front of the house of the 4th respondent in Survey No.816/7 at Anjugramam Village, Kanyakumari District.

For petitioner	: Mr.S.Saravana Kumar
For R1 & R2	: Mr.M.Govindan Special Government Pleader
For R3	: Mr.Aayiram K.Selvakumar
For R4	: Mr.S.Balamurugan

O R D E R

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

The writ petition is filed to direct the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the Mission Vilai Street, Lavanchi Village, Radhapuram Taluk, Tirunelveli District, in front of the house of the 4th respondent in Survey No.816/7 at Anjugramam Village, Kanyakumari District.



2.The learned Counsel for the 4th respondent by producing a copy of the judgment and decree dated 10.10.2006 in O.S.No.332 of 2003, submitted that the civil suit filed by the petitioner in respect of the very same property has already been dismissed by the learned Civil Court. The decree was confirmed by the learned II Additional Sub Judge, Nagercoil, in A.S.No.116 of 2006.

3.Since the Civil Court has already arrived at a finding that there was no encroachment by the 4th respondent, we are not in a position to entertain the writ petition filed by the petitioner for removal of encroachment.

4.In the upshot, we dismiss the writ petition. No costs.
Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Thasildar,
Radhapuram Taluk,
Tirunelveli District.

+1cc to Mr.Suriyanarayanan, Advocate Sr.No.65096
+1cc to Mr.S.Balamurugan, Advocate Sr.No.65022
+1cc to The Spl.Government Pleader Sr.No.65588

RJ2/PSD/TSG

VB/MR-KKR/SAR4/25.07.2017/2P/6C

**ORDER MADE IN
W.P(MD) No.3628 of 2017
12.07.2017**