



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**and****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

WEB COPY

W.P(MD)No.6145 of 2017

Durairaj

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District.2. The Thasildhar,
Illayankudi Taluk,
Sivagangai District.3. The Inspector of Police,
Illayankudi Police Station,
Sivagangai District.

4. Annamuthu

5. Reginamarri

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to remove the Seemai Karuvelam Trees in the properties comprised in Survey No.57/14 to an extent of 0.02.50 Hectors, and Survey No.58/2 to an extent of 0.02.00 hectors and Grama Natham Survey No.56 to an extent of 6600 Square Feet, situated at Kalaikulam Village, Illayankudi Taluk, Sivagangai District, within a time frame.

For petitioner	: No appearance
For R1to R3	: Mr.T.S.Mohammed Mohideen Additional Government Pleader
For R4	: Mr.S.Ramachandra Pradeep for Mr.H.Lakshmi Shankar
For R5	: No appearance

O R D E R

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

The petitioner filed this writ petition to direct the second respondent to remove Seemai Karuvelam Trees situated in the property in Survey Nos.57/14 and 58/2 and Grama Natham Survey No.56 situated at Kalaikulam Village, Illayankudi Taluk, Sivagangai District.



2.The affidavit filed in the support of the writ petition indicates that there was a civil suit in O.S.No.71 of 2009 before the Sub-Court, Sivagangai. With respect to the same property, there was another suit in O.S.No.46 of 2015 before the Principal District Court, Sivagangai District for partition. The suit was decreed in part. There is a first appeal pending before this Court in A.S.No.187 of 2016.

3.Since, the right claimed by the petitioner is a subject matter in the civil proceedings, there is no question of directing the second respondent to remove the Seemai Karuvelam Trees.

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

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Sivagangai District.
2. The Thasildhar,
Illayankudi Taluk,
Sivagangai District.
3. The Inspector of Police,
Illayankudi Police Station,
Sivagangai District.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate, SR No. 65927.
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 66260.

PSD/ARUL
PSM/KK/SAR4/27.07.2017/2P/6C

ORDER MADE IN
W.P(MD)No.6145 of 2017
17.07.2017