



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.6333 of 2017

Jahir Usain

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildhar,
Palani Taluk,
Palani,
Dindigul.

4.The Executive Officer,
Balasamudram Panchayat,
Palani,
Dindigul.

5.Bakiyam

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondent No.5 in the public pathway at Survey No.77/2-B, Balasamudram, Palani, Dindigul.

For Petitioner	: Mr.S.M.A.Jinnah
For RR 1 to 3	: Mr.M.Govindan, Special Government Pleader.
For R - 4 & R5	: Mr.R.Anandharaj

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachments alleged to have been made by the fifth respondent in Survey No.77/2-B, Balasamudram Village, Palani, Dindigul District, by way of issuing a Writ of Mandamus.

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

2.The learned counsel appearing for the petitioner has

advanced his argument on the basis of the averments made in the petition.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that in revenue records Survey No.77/2-B, Balasamudram has been shown as a patta land and in respect of the same Original Suit No.56 of 2015 is pending on the file of the District Munsif Court, Palani.

4.Considering the classification of Survey No.77/2-B and also considering that a civil litigation is pending on the file of competent Court, the relief sought in the Writ Petition cannot be granted and therefore the same deserves to be dismissed.

5.In fine, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildhar,
Palani Taluk,
Palani,
Dindigul.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.62705

+1cc to Mr.R.ANANDHARAJ Advocate in SR. No.62256

PS

JS/MR/KKR/SAR.3/6.7.2017/2P-6C

**ORDER MADE IN
W.P(MD)No.6333 of 2017
28.06.2017**