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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**
**Dated : 29.08.2017**
**CORAM :**
**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**
**AND**
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.14929 of 2013**
**and**
**M.P(MD)No.1 of 2013**

Aandi ... Petitioner

Vs.

1. The District Revenue Officer,
   Madurai, Madurai District.

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

3. The Assistant Director of Survey,
   Land Survey Registration Department,
   Madurai, Madurai District.

4. The Tahsildar,
   Madurai North Taluk,
   Madurai District.

5. The Inspector of Police,
   Sellur Police Station,
   Madurai. ... Respondents

**Prayer** : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein to implement the order passed by the fourth respondent herein in Na.Ka.No.S1/27318/2009, dated 12.01.2011 and further directed to remove the alleged encroachment made in the common pathway situated in T.S.No.91 and 92, Block No.2, Madurai Town Ward No.14, S.No.23/10 of B.B.Kulam Village, Madurai North Taluk, Madurai District within a stipulated period.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.M.Govindan, Spl.GP for RR1 to 5

Mr.S.Mahesh Babu
for Proposed Respondent No.6

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**O R D E R**

**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

The writ petitioner seeks removal of encroachment made in the common pathway situated in T.S.No.91 and 92, Block No.2, Madurai Town Ward No.14, S.No.23/10 of B.B.Kulam Village, Madurai North Taluk, Madurai District.

2.In order to effectuate this objective, the writ petitioner seeks enforcement of the order dated 12.01.2011 passed by the Tahsildar, Madurai North Taluk. But, when the matter was taken up for hearing , it came to be known that the said order had already been appealed against. When the original authority passed an order, it can be enforced only if it had attained finality. But, when the proceedings have not attained finality, the question of directing its enforcement cannot arise. It is also informed that a civil suit is pending between the parties.

3.In this factual background, no mandamus can be issued as prayed for. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
   Madurai,
   Madurai District.

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

3. The Assistant Director of Survey,
   Land Survey Registration Department,
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   Madurai District.

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5. The Inspector of Police,
   Sellur Police Station,
   Madurai.

+1 cc to Mr.A.Saravanan , Advocate in SR.No. 75199
+1 cc to Mr.S.Mahesh Babu , Advocate in SR.No. 75270

Skm/Arul
AE/KP/SAR1/15.09.2017/3P/8C

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