



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

WEB COPY

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

W.P (MD) No.16511 of 2013
and
M.P. (MD) No.1 of 2013

P.Raju

.. Petitioner

Vs.

1. The District Collector,
Trichy District.
2. The Revenue Divisional Officer,
Lalgudi Division,
Trichy District.
3. The Thasildar,
Manachanallur Taluk,
Trichy District.
4. The President,
Siruppathur Panchayat,
Manachanallur Taluk,
Trichy District.
- 5.Thangarasu

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the 5th Respondent herein in the public pathway situated in survey No.588/12, Veerani village, Siruppathur post, Manachanallur Taluk, Trichy District, based on petitioner's representation dated 19.07.2013.

For petitioner

: Mr.S.M.Mohan Gandhi

For Respondents 1 to 4

: Mr.T.S.Md.Mohideen
Additional Government Pleader

For 5th Respondent

: No appearance

**O R D E R**

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

The petitioner earlier filed a civil suit in O.S.No.287 of 2005 against the fifth respondent and obtained a decree of injunction.

2.The relief granted by the Civil Court can be executed by filing Execution Petition. The present attempt is to execute the decree in O.S.No.287 of 2005 by filing a writ petition under Article 226 of the Constitution of India.

3.In view of the Judgment and decree dated 26.10.2007 passed in O.S.No.287 of 2005, we are not in a position to issue a Mandamus as prayed for by the petitioner. The writ petition is dismissed. However, we make it clear that this order would not stand in the way of the petitioner in executing the decree in O.S.No.287 of 2005. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Trichy District.
2. The Revenue Divisional Officer,
Lalgudi Division,
Trichy District.
3. The Thasildar,
Manachanallur Taluk,
Trichy District.
4. The President,
Siruppathur Panchayat,
Manachanallur Taluk,
Trichy District.

- + 1 CC TO Mr.SHAJI CHELLEN, ADVOCATE IN SR No. 67493
- + 1 CC TO Mr.S.M.MOHAN GANDHI, ADVOCATE IN SR No. 67734
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 68402

RJ2/VSG

TE/KP/SAR-I : 03/08/2017 : 2P/8C