



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM :

WEB COPY

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

W.P(MD)No.2044 of 2013

E.V.Maharajan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Vilathikulam,
Thoothukudi District.

4.Kaliappan,
Retired Constable,
Hospital Road,
Vilathikulam,
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment and unauthorized construction made by the fourth respondent by encroaching the public path of Government poramboke land in leading to the S.Nos.37/4A at Vilathikulam Taluk, Thoothukudi District considering the petitioner's representations dated 05.03.2012 and 20.01.2012 to the respondents 1 to 3 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.T.S.Md.Mohideen, AGP for RR1 to 3
Mr.C.Sasikumar, for
Mr.M.Subash Babu for R4

O R D E R

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

WEB COPY The petitioner is only an agreement holder. The petitioner seeks direction to the respondents 1 to 3 to remove the encroachment made by the fourth respondent.

2. There is no question of issuing a mandamus at the instance of an agreement holder, who has no right or title in respect of the land, which is situated adjacent to the encroached path way and the residence of the fourth respondent. It is open to the land owner to take up the matter with the authorities, if he is so aggrieved.

3. The writ petition is closed with the above observation. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3. The Tahsildar,
Vilathikulam,
Thoothukudi District.

+One cc to Mr.M.Subash Babu, Advocate, SR.No.63913
+One cc to The Special Government Pleader, SR.No.63493

Arul

RL/6C/2P/KP/SAR1/12/7/2017

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