



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM:

WEB COPY

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

W.P(MD) .No.6764 of 2013

Kamal Mohamed

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
5. Chandrasekaran

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to remove the encroachment made by the fifth respondent in the public road situated in survey No.174/2 and in Maravanenthal Kanmaai situated in Survey No.49 of K.Vairavanpatti village Group, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.M.Govindan, Spl.G.P. For RR1 to 4
Mr.S.Srinivasaraghavan for R5

O R D E R

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

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The petitioner filed this writ petition to direct the respondents 1 to 4 to initiate action against the fifth respondent



and remove the encroachments stated to have been made by him at Kanmai situated in Thiruppathur Taluk in the District of Sivagangai.

2.The learned counsel for the fifth respondent, by producing a copy of order dated 13 November 2013 in W.P.(MD) No.30002 of 2013 on the file of the Principal Bench of this Court, submitted that in view of the said order, it is not open to the respondents 1 to 4 to take up the proceedings for eviction.

3.Since the matter is now pending before the High Court against an order declining to grant stay by the Commissioner for Land Administration and the pendency of the related appeal before the said authority, no direction can be issued to the respondents 1 to 4 to evict the fifth respondent. It is always open to the petitioner to approach this Court after the disposal of the pending proceedings.

4.The writ petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

+ 1 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 64585
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64470

SKM/ARUL

TE/JC/SAR-IV : 18/07/2017 : 2P/7C

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