



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM:

WEB COPY

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

W.P.[MD].No.9599 of 2013

R.Maniraj : Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Trichy-1, Trichy District.
- 2.The Executive Engineer,
State Highways,
TVS Tollgate,
Mannarpuram,
Trichy-20, Trichy District.
- 3.Asaithambi,
- 4.Ramasamy,
- 5.Sengamalai

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein to remove the encroachments committed by respondents 3 to 5 on the east west State Highways Road, in front of petitioner's property situated at S.F.No.558/3, Periyakurukkai Village, Lalgudi Taluk, Trichy District in the light of petitioner's representation dated 10.05.2013 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.S.T.Sasitharan Tamilkani

For Respondent No.1: Mr.M.Govindan,
Special Government Pleader

For Respondent No.2: No Appearance

For Respondents 3 to 5 : Mr.S.Karthick

O R D E R

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

The petitioner filed this Writ Petition to direct the second respondent to evict the respondents 3 to 5 alleging that they are encroachers of Government land.



2. We are informed that a civil suit in O.S.No.74 of 2014 is now pending on the file of the District Munsif Court, Lalgudi. The Civil Court has already granted an interim order of *status quo* in favour of the respondents 3 to 5, as per order in I.A.No.128 of 2014. The said order is stated to be in operation even today.

3. The learned counsel for the petitioner submitted that the petitioner has already filed an application to implead him as a party in O.S.No.74 of 2014. The said application would be considered by the learned District Munsif, on merits. In any case, we do not find any reason to issue a Mandamus at this point of time.

4. We make it clear that this order would not stand in the way of the Civil Court adjudicating the issues raised by the respondents 3 to 5 as well as the application filed by the petitioner to implead him as a party in the civil suit in O.S.No.74 of 2014.

5. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

The District Collector,
District Collector Office,
Trichy-1,
Trichy District.

+One cc to Mr.S.T.Sasidharan Tamilkani, Advocate, SR.No.64270

+One cc to Mr.S.Karthik, Advocate, SR.No.64311

+One cc to The Special Government Pleader, SR.No.65012

SML/MYR

RL/5C/2P/MR/KKR/SAR1/19/7/2017

Order made in
W.P.[MD].No.9599 of 2013

Dated:
10.07.2017