



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2017
CORAM:

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

W.P (MD) No.9863 of 2013

M.Govindarajan .. Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Trichy District, Trichy.

3. Tamil Nadu Housing Board,
Rep. by. its The Executive Engineer,
Mannarpuram, Trichy.

4.Sethu

5.D.Ramesh

6.C.Sundaram .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate action in accordance with law to remove the encroachment in the area ear mark for "park" and in T.S.No.31/2, Melavannarapettai, Puttur, Trichy.

For petitioner	: No appearance
For R1 & R2	: Mr.M.Govindan Special Government Pleader
For R3	: Mr.Kaathan Raj Kumar
For R4 to R6	: Mr.T.R.Jeyapalan

O R D E R

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

The petitioner filed this writ petition directing the respondents 1 to 3 to initiate action against the respondents 4 to 6 and remove the encroachment made by them in the area ear marked for a park in T.S.No.31/2, Melavannarapettai, Puttur, Trichy.



2. None appears on behalf of the petitioner. We have heard the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the respondents 3 to 6.

3. The affidavit filed in support of this writ petition indicates that there were civil proceedings between the respondents 4 to 6 and the Tamil Nadu Housing Board. The Collector was also a party to the civil proceedings. The petitioner by placing reliance on certain observations made in the Judgment in the civil suit wanted to take action against the respondents 4 to 6.

4. Since the matter involves disputed question of fact, we are of the view that the issue raised by the petitioner cannot be decided in this writ petition on the basis of his self serving affidavit.

5. The writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Trichy District, Trichy.

3. Tamil Nadu Housing Board,
Rep. by. its The Executive Engineer,
Mannarpuram, Trichy.

+1 cc to Special Government Pleader in SR.No.63984

rj2/Psd
AE/MR KKR/SAR2/18.07.2017/2P/5C

ORDER MADE
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W.P (MD) No. 9863 of 2013
05.07.2017