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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.02.2018
CORAM:
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.1081 of 2018
and
W.M.P(MD)No.1131 of 2018

Gurudev ... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Theni Taluk,
Theni District.

3.Sureshkumar ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to notice bearing Na.Ka.No.2651/2017/A6 dated 06.01.2018 from the 2nd respondent and consequently direct the respondents not to disturb the possession of the petitioner in S.F.No.712 of Koduvilarpatti Village, Gopalapuram, Theni District, which had been classified as Natham Poramboke and quash the same.

For Petitioner : No Appearance
For R-1 and R-2 : Mr.D.Muruganandham,
Additional Government Pleader
For R-3 : Mr.Sureshkumar(Party-in-Person)

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM,J.)

None appears for the petitioner. Heard Mr.D.Muruganandham, learned Additional Government Pleader for respondents 1 and 2 and Mr.Sureshkumar, the third respondent/party-in-person.

2. The third respondent is a practising Advocate in Theni and it appears that he initiated action for removal of encroachments and filed a Public Interest Litigation, wherein direction was issued and ultimately, the impugned notice has been issued to the petitioner, to remove the encroachments. Aggrieved over the same, the petitioner has filed the present Writ Petition arraying the counsel as third respondent.

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3. We find that there is no specific allegation against the third respondent except a reference in Paragraph No.4 of the affidavit filed in support of this Writ Petition and even therein also there is no allegation mentioned against the third respondent and therefore, the impleadment of the third respondent is clear case of abuse of process of law and hence, we dismissed the Writ Petition and imposed costs of Rs.10,000/-(Rupees Ten Thousand Only) on the petitioner, payable to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Theni Taluk,
Theni District.

+One cc to Mr.A.Mithun Chakravarthi, Advocate, SR>No.51517

+One cc to The Special Government Pleader, SR.No.51297

+2 ccs to Mr.P.Sureshkumar, Party-in-Person, SR.No.51106

pm
RL/7C/2P/KK/SAR4/12/3/2018

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