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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.2433 of 2018
and
W.M.P (MD) Nos.2625 and 2626 of 2018

G.Pachai Perumal .. Petitioner
Vs.

1.The Principal Secretary & Commissioner of
Land Administration, Chepauk, Chennai - 600 005.

2.The Divisional Engineer,
National Highways,
Tuticorin District.

3.The District Collector-cum-District Magistrate,
Tuticorin District.

4.The District Revenue Officer,
Tuticorin.

- 5.S.Jeya Govindhan
- 6.S.Jeya Ranganathan
- 7.S.Jeya Balakrishnan
- 8.P.Rajesh
- 9.R.Muthuraj
- 10.R.Jeyaraj
- 11.S.Arunachala Muthaliyar
- 12.A.Sermakani
- 13.R.Jeyarani
- 14.Ponnammal
- 15.Nattar
- 16.Lookkash Meri
- 17.S.Muthuraman
- 18.P.Vanaraj
- 19.V.Vimal
- 20.S.Kumaraguru
- 21.Karpagam
- 22.Petchammal
- 23.Santhanamari
- 24.Sudali

[Respondents 5 to 24 are impleaded, vide
<https://hcservices.ecourts.gov.in/hcservices/>
order, dated 16.02.2018, made in
W.M.P (MD) No.3511 of 2018]



[Respondents 6 to 24 are represented by the fifth respondent, vide order, dated 16.02.2018, made in W.M.P(MD)No.3055 of 2018]

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to remove the encroachment and nuisance caused in S.No.158/1 - 54 cents, S.No.162/11A, 12A & 12B - 37 cents, S.No.149/71 - 1.13 acres, S.No.132 channel and S.No.71/1, 2 & 3 - 46 cents (National Highways) situated in Vazhavallan Village, Srivaikundam, Tuticorin District and restore it to its original position.

For Petitioner : Mr.K.P.S.Palanivel Rajan

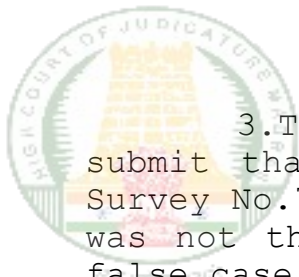
For Respondents 1 to 4 : Mr.S.Dhayalan,
Government Advocate.

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This writ petition has been filed, seeking for issuance of writ of mandamus, to direct the respondents 1 to 4, to remove the encroachments alleged to have been made by the private respondents in the lands comprised in Survey Nos.158/1, 162/11A, 12A and 12B, 149/71, 132 and 71/1, 2 and 3, Vazhavallan Village, Srivaikundam, Tuticorin District.

2.The learned Government Advocate appearing for the respondents 1 to 4 has drawn the attention of this Court to the order passed by the District Revenue Officer, Tuticorin, dated 15.07.2017, from which, it is seen that except a smaller extent of land in Survey No.71/1, there is no encroachment in other survey numbers mentioned by the petitioner in the prayer sought for, in the writ petition. We may note that the petitioner is in the habit of filing writ petitions one after another. The first writ petition was actually for the same prayer in W.P(MD)No.2374 of 2014, wherein he sought for the relief, in respect of Survey No.149/71 and the said writ petition was dismissed by the Division Bench of this Court, on 31.08.2015. Subsequently, the petitioner filed W.P(MD) No.15738 of 2016 and 15739 of 2016, and those writ petitions were also disposed of. Now, the petitioner has come forward with the present writ petition, alleging that there is encroachment in all survey numbers. As per the order passed by the District Revenue Officer, Tuticorin, dated 15.07.2017, except for Survey No.71/1, there is no encroachment in other survey numbers. Further, the classification of the land has also been clearly noted in the order. Admittedly, the petitioner does not dispute the correctness of the order passed by the District Revenue Officer, Tuticorin, dated



3.The learned counsel appearing for the petitioner would submit that the concern of the petitioner is in respect of only Survey No.71/1. However, the prayer sought for in the writ petition was not that, but for a larger relief, which now appears to be a false case.

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4.The learned Government Advocate appearing for the respondents 1 to 4 submitted that already action has been taken against the encroachers in Survey No.71/1 and notices have been issued and thus the present prayer of the petitioner, appears to be for certain vested interest or a publicity oriented litigation. Thus, we are not inclined to issue any direction, at the instance of the petitioner and leaving it open to the authorities, to proceed in accordance with law.

5.For the above reasons, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary & Commissioner of
Land Administration,
Chepauk,
Chennai - 600 005.
- 2.The Divisional Engineer,
National Highways,
Tuticorin District.
- 3.The District Collector-cum-District Magistrate,
Tuticorin District.
- 4.The District Revenue Officer,
Tuticorin.

+1cc to M/S.K.P.S.Palanivel Rajan, Advocate SR.No. 49877
+1cc to Special Government Pleader, SR.No. 49672

ORDER MADE IN
W.P (MD) No.2433 of 2018
and

W.M.P (MD) Nos.2625 and 2626 of 2018
16.02.2018

sss/smn

<https://hcservices.ecourts.gov.in/hcservices/>

CM/SV MMS/SAR 17/27.02.2018/3P/7C