



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.12237 of 2018

Ravi Joseph : Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi, Thoothukudi District.
- 3.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
- 4.The Tahsildar,
Villathikulam Taluk, Villathikulam,
Thoothukudi District.
- 5.V.Chinna Kalimuthu : Respondents

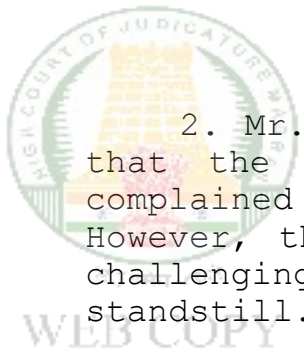
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the fifth respondent in public street in S.Nos.47/10C and 47/11D in Goundanpatti Village, considering the representation of the petitioner, in the light of G.O.(Ms).No.540, Revenue LD6(2) Department, dated 04.12.2014.

For petitioner : Mr.S.Pon Senthilkumaran
For respondents 1 to 4 : Mr.R.Sethuraman
Special Government Pleader

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

The petitioner seeks a Writ of Mandamus directing the respondents 2 to 4 to remove the encroachment made by the fifth respondent in public street in S.Nos.47/10C and 47/11D in Goundanpatti Village, by considering his representation, in the light of G.O.(Ms).No.540, Revenue LD6(2) Department, dated



2. Mr.R.Sethuraman, learned Special Government Pleader, submits that the encroachment made by the fifth respondent, which is complained of by the petitioner herein, was sought to be removed. However, the fifth respondent has moved W.P.(MD).No.20735 of 2015, challenging the action of the authorities and hence, the issue is at standstill.

3. It is the stand of the fourth respondent that the encroached areas, which lye in S.Nos.47/10C and 47/11D in Goundanpatti Village, are ryotwari dry lands and covered by the specific pattas, but, the holders thereof do not have a right to prevent movement there through by others.

4. Recording the position that mere pendency of W.P.(MD). No.20735 of 2015 would not stand in the way of the authorities in removing the encroachment complained of, in the absence of any specific direction prohibiting them from doing so, the Writ Petition shall stand disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The District Collector,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi, Thoothukudi District.
- 3.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
- 4.The Tahsildar,
Villathikulam Taluk, Villathikulam,
Thoothukudi District.

+1cc to M/S.S.Pon Senthilkumaran, Advocate SR.No. 76049
+1cc to Special Government Pleader, SR.No. 76195

ORDER MADE IN
W.P.[MD].No.12237 of 2018
31.07.2018

nb