



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.18412 of 2017

M.Veeranan

... Petitioner

-vs-

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti Revenue Division,
Usilampatti.
- 3.The Thasildar,
Usilampatti Taluk,
Usilampatti.
Madurai District.
- 4.S.O.R.Angammal
- 5.M.Gopalakrishnan
(R5 impleaded as per order of this Court
dated 25.10.2018 in WMP(MD) No.15239/2018)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to issue necessary direction to the 3rd respondent to remove the encroachments in Vannan Oorani in Seemanoothu Village, Usilampatti Taluk and Usilampatti Tank in Usilampatti Town, Madurai District done by the 4th Respondent and restore the tanks to normal and old condition, based on the petitioner's representation dated 14.06.2017 made to the 1st Respondent.

For Petitioner : Mr.K.Kannan

For Respondents 1 to 3 : Mr.A.K.Baskarapandian
Special Government Pleader

For 4th Respondent : Mr.AR.L.Sundaresan
Senior Counsel
for M/s.AL.Ganthimathi

For 5th Respondent : Mr.Niranjan S.Kumar

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This Writ Petition has been filed, seeking a direction to the third respondent to remove the encroachments in Vannan Oorani in Seemanoothu Village, Usilampatti Taluk and Usilampatti Tank in Usilampatti Town, Madurai District done by the 4th Respondent and restore the tanks to normal and old condition, based on the petitioner's representation dated 14.06.2017 made to the 1st Respondent.

2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3, the learned Senior Counsel appearing for the respondent No.4 and the learned counsel appearing for the fifth respondent.

3. This writ petition is a continuation of the earlier proceedings, though filed in the name of different persons. There are atleast two writ proceedings preceded by a civil suit. In these cases the issue raised was with respect to the title to the property along with the nomenclature. The suit filed was rejected and confirmed by the appellate Court. The writ petitions were dismissed on the earlier occasion in W.P.(MD) Nos.1780 of 2005 and 2114 of 2017.

4. From the orders of Revenue Divisional Officer, Usilampatti it is clear that the property is a private property of respondent No.4. In fact even on the earlier occasion the learned Special Government Pleader took a stand that it is a private property of 4th respondent. Therefore, this Writ Petition is nothing but a re-litigation in a different form. Though it is a fit case to impose cost, we restrain from doing so.

5. In the result, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Collector,
Madurai District,
Madurai.



2.The Revenue Divisional Officer,
Usilampatti Revenue Division,
Usilampatti.

3.The Thasildar,
Usilampatti Taluk,
Usilampatti.
Madurai District.

- 1 CC TO Mr.K.KANNAN , ADVOCATE IN SR No.91928.
- + 1 CC TO M/s.AL.Ganthimathi , ADVOCATE IN SR No.92105.
- +1 cc to Special Government Pleader, SR.No.92232.

SJ

DS RP SAR4 04 12 2018 3P 7C

W.P.(MD) No.18412 of 2017

25.10.2018