



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P (MD) No.20789 of 2017

K.P.Narayanan

... Petitioner

Vs.

1. The District Collector,
Tuticorin District, Tuticorin.
2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Tuticorin District.
3. The Revenue Divisional Officer,
Thiruchendur Taluk,
Thiruchendur,
Tuticorin District.
4. The Village Administrative Officer,
Pallipattu Village,
Puchikadu (P.O),
Tuticorin District.

5.NRS.Ganesan

6.S.Kandasamy Pandian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in Survey No.158/2 in Pallipattu Village, Tiruchendur Taluk, Tuticorin District based on the petitioner's representation, dated 21.10.2017.

For Petitioner : Mr.M.Subash Babu

For RR 1 to 4 : Mr.S.Satheesh Kumar,
Additional Government Pleader.

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

For RR 5 & 6 : Mr.D.Nallathambi

**ORDER**

(Order of the Court was made by

M. SATHYANARAYANAN, J.)

The Writ Petition is styled as a Public Interest Litigation filed by an Advocate alleging encroachment on the part of the private respondents in respect of certain extent of land situated in Survey No.158/2, Pallipattu Village, Tiruchendur Taluk, Tuticorin District, which is said to be classified as a water channel.

2.The Writ Petition was entertained on 14.11.2017 and this Court has recorded the fact that action has been initiated under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

3.When the matter is listed today, ie., on 04.01.2018, it is represented that the petitioner is no more and Mr.M.Subash Babu, learned counsel appearing for the petitioner, would submit that the Legal representatives of the petitioner have not come forward to file a substitution petition so as to enable them to prosecute this Writ Petition and would further state that since action has already been initiated under the provisions of the above said Act, it may be recorded.

4.Per contra, the learned counsel appearing for the respondents 5 and 6 has drawn the attention of this Court to the counter affidavit as well as typed set of papers and would submit that without making proper survey and measurement, action has been wrongly initiated under Section 7 of the Tamil Nadu Land Encroachment Act and an appeal has also been preferred by the sixth respondent before the Appellate Authority. The sixth respondent has also filed a Writ Petition in W.P(MD)No.23809 of 2017 along with a stay petition and interim stay has been granted on 22.12.2017 and the same is in force.

5.In the light of the fact that the petitioner is no more and no petition for substitution is also filed, this Court is not prepared to go into the merits of the rival contentions. Therefore, this Writ Petition is dismissed as abated. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hservices.hccourts.gov.in/hservices/>
1. The District Collector,
Tuticorin District, Tuticorin.



2. The Tahsildar,
Thiruchendur Taluk,
Thiruchendur,
Tuticorin District.

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3. The Revenue Divisional Officer,
Thiruchendur Taluk,
Thiruchendur,
Tuticorin District.

4. The Village Administrative Officer,
Pallipattu Village,
Puchikadu (P.O),
Tuticorin District.

+ 1 cc TO Mr.M.Subash Babu, Advocate in SR No. 40632
+ 1 cc TO Mr.D.NAllathambi , Advocate in SR No. 40431
+ 1 cc TO The Special Government Pleader in SR No. 40800

ps

AE/SV MMS/SAR1/19.01.2018/3P/8C

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