



WEB COPY

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

W.P. (MD) .No.21146 of 2017

N.Natarajan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi,
Pudukkottai District.

3.The Special Officer/Block Development Officer,
Ayangudi Panchayat,
Aranthangi,
Pudukkottai District.

4.Muthukumar

5.Ramu

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the public pathway in Survey No.544/33 vesting with the third respondent Panchayat.

For Petitioner

: Mr.M.Suresh

For RR 1 to 3

: Mr.D.Muruganandham,

Additional Government Pleader

For RR 4 & 5

: Mr.N.Balakrishnan

O R D E R

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

The petitioner seeks for a direction upon the respondents 1 to 3 to remove the encroachment stated to have been done by the respondents 4 and 5 in a public pathway in Survey No.544/33 vesting with the third respondent Panchayat.



2. Record of proceedings shows that the second respondent had already initiated action and notice dated 23.10.2017 has been issued. Thus, on receipt of the notice, the respondents 4 and 5 filed a suit in O.S.No.13 of 2018 on the file of District Munsif Court, Aranthangi, wherein, a declaratory relief is sought for, is pending. It is stated that in the said suit, the petitioner herein as well as the official respondents are defendants.

3. In the light of the fact that already action has been initiated by the respondents, based on the petitioner's representation, there will be no requirement to keep the writ petition pending and we dispose of the writ petition with an observation that it is open to the parties to work out their rights before the appropriate forum.

4. We direct the District Munsif Court, Aranthangi to dispose of the interlocutory applications filed by the plaintiffs in the said suit, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The District Munsif Court, Aranthangi

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Aranthangi,
Pudukkottai District.

4.The Special Officer/Block Development Officer,
Ayangudi Panchayat,
Aranthangi, Pudukkottai District.

+One cc to Mr.M.Suresh, Advocate, SR.No.50862

+One cc to Mr.N.Balakrishnan, Advocate, SR.No.50756

+One cc to The Special Government Pleader, SR.no.51593

akv

RL/8C/2P/CVC/SAR1/2/4/2018

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