

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.6878 of 2019

S.Satheeshkumar ... Petitioner

-vs-

1.The District Collector,
Vellore District,
Vellore.

2.The Sub Collector,
Tirupattur Taluk,
Vellore District.

3.The Tahsildar,
Vaniambadi Taluk,
Vellore District.

4.P.Srinivasan ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in land in S.F.4/1 of an extent of 0.03.0 hectares for common burial ground allotted by the 1st respondent in proceedings Na.Ka.No.P1/13042/2015 dated 15.10.2015 of Valayampattu Village, Vaniambadi Taluk, Vellore District.

For Petitioner : M/s.V.R.Annagandhi

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 3
Mr.L.Chandrakumar
for respondent No.4

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

The petitioner has filed the above writ petition to issue a writ of mandamus directing respondents 1 to 3 to remove the encroachment in land in S.F.4/1 of an extent of 0.03.0 hectares for common burial ground allotted by the first respondent in proceedings Na.Ka.No.P1/13042/2015 dated 15.10.2015 of Valayampattu Village, Vaniyambadi Taluk, Vellore District.

2. The third respondent, i.e., the Tahsildar, Vaniyambadi Taluk, has filed a counter, wherein he has stated that the fourth respondent has filed civil suits in O.S.No.108 of 2015 and O.S.No.10 of 2016 on the file of the District Munsif Court, Vaniyambadi, as against the first respondent and a decree was also passed on 12.3.2018. Further, the third respondent has stated that as against the judgment and decree passed by the Trial Court, the first respondent has filed an appeal before the Sub Court, Vaniyambadi, with a petition to condone the delay in filing the appeal in I.A.No.31 of 2018.

3. The learned Government Pleader (i/c.) appearing for respondents 1 to 3 submitted that the official respondents are prosecuting the application in I.A.No.31 of 2018 before the lower Appellate Court.

4. In view of the averments stated in the counter affidavit filed by the third respondent, no further direction can be given in this writ petition for the reason that the fourth respondent had obtained a decree as against the official respondents.

In such view of the matter, the writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi

To

1.The District Collector,
Vellore District,
Vellore.

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2.The Sub Collector,
Tirupattur Taluk,
Vellore District.

3.The Tahsildar,
Vaniambadi Taluk,
Vellore District.

+1 cc to M/s.V.R.Annagandhi, Advocate, Sr.No. 37647

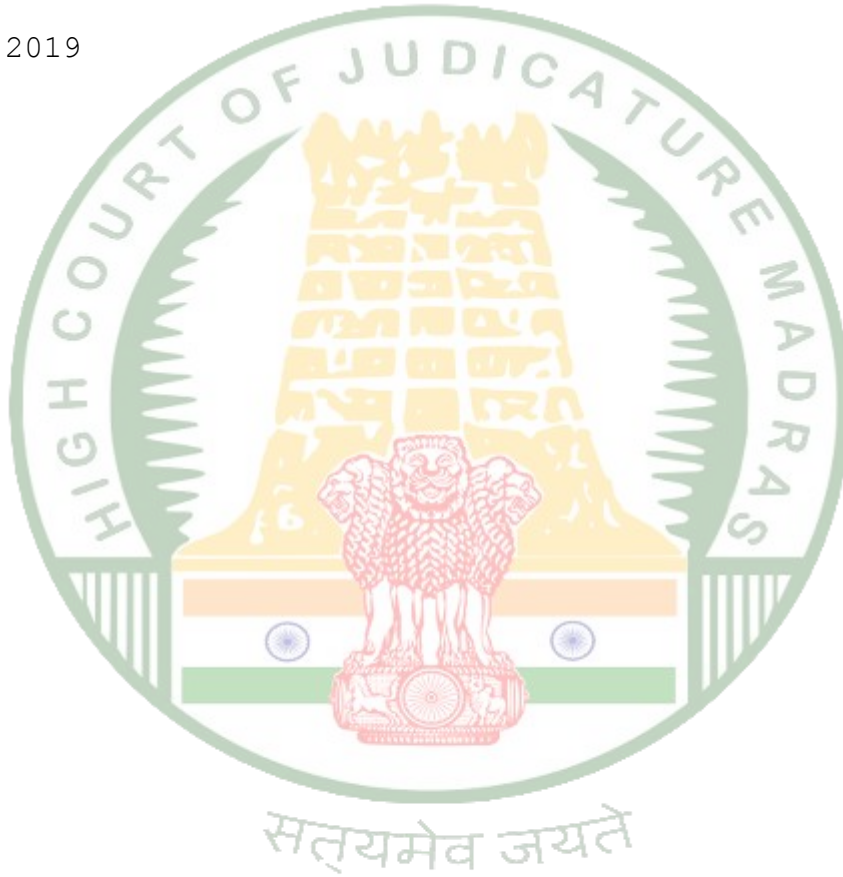
+1 cc to Mr.L.Chandrakumar, Advocate, Sr.No. 38000

+1 cc to The Government Pleader, Sr.No. 38134

W.P.No.6878 of 2019

GJ(CO)

CSL/07.05.2019



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