



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND**

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD)No.2134 of 2019

Ayyammal

.. Petitioner

Vs.

- 1.The District Collector,
Theni District,
Theni.
- 2.The District Revenue Officer,
Theni.
- 3.The Revenue Divisional Officer,
Uthamapalaym
Theni District.
- 4.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.
- 5.The Village Administrative Officer,
Keezha Gudalur East Village,
Karunakkamuthanpatti Village,
Uthamapalaym Taluk, Theni District.
- 6.Sinkarammal

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in Survey No.645 in Karunakkanmuthanpatti village, Uthamapalayam Taluk, Theni District and consider the petitioner's representation dated 04/12/2018.

For Petitioner	: Mr.K.Guhan
For Respondents	: Mr.VR.Shanmuganathan Special Govt. Pleader for RR-1 to 5

ORDER

[Order of the Court was made by K.KALYANASUNDARAM, J]

Heard Mr.K.Guhan, learned counsel for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents 1 to 5. Private notice sent to the sixth respondent has been returned as 'unclaimed'.

2.By consent of the parties, the writ petition is taken up for final disposal.

3.The petitioner has come up with this writ petition for issuance of Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in Survey No.645 in Karunakkanmuthanpatti village, Uthamapalayam Taluk, Theni District and consider the petitioner's representation dated 04/12/2018.

4.The learned counsel for the petitioner would state that Sy.No.645, situated in Karunakkamuthanpatti Village has been classified as 'Cart Track', but the sixth respondent has made encroachment in the said cart track. It is further submitted that the petitioner instituted a suit in O.S.No.42/2016 for permanent injunction and the suit came to be decreed on 03.11.2016 and the suits filed by the husband of the sixth respondent in O.S.Nos.29 of 2017 and 131 of 2016 were dismissed for non-prosecution.

5.Perusal of the records would reveal that there is a private dispute between the petitioner and sixth respondent and in respect of that three suits were filed and according to the petitioner, the suit in O.S.No.42 of 2016 has been decreed, however in stead of executing the decree, the present writ petition has been filed.

6.In view of the above, we find no merits in the writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Theni District,Theni.
- 2.The District Revenue Officer,Theni.
- 3.The Revenue Divisional Officer,
Uthamapalaym Theni District.
- 4.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,Theni District.
- 5.The Village Administrative Officer,
Keezha Gudalur East Village,
Karunakkamuthanpatti Village,
Uthamapalaym Taluk
Theni District.

+1CC TO Mr.K.Guhan, Advocate, Sr No.54647

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.54948

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