



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.4059 OF 2019

Rathinakumar

:Petitioner

.vs.

1.The State of Tamil Nadu,
represented by District Collector,
Tiruchirappalli District.

2.The Revenue Divisional Officer,
Musiri,
Office of the Revenue Divisional Officer,
Musiri, Tiruchirappalli District.

3.The Tahsildar,
Musiri Taluk,
Taluk Office,
Musiri,
Tiruchirappalli District.

4.Kathan

5.Govindammal

6.Palaniandi

7.Seventh Mannan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in S.No.263, in Manapalayam Village, Kodunthurai Panchayat, Musiri Panchayat Union, Tiruchirappalli District.

For Petitioner

:Mr.S.K.Mani



For Respondents
4 to 7

:Mr.H.Lakshmi Shankar

O R D E R

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

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in S.No.263, in Manapalayam Village, Kodunthurai Panchayat, Musiri Panchayat Union, Tiruchirappalli District.

2.Heard Mr.S.K.Mani, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.H.Lakshmi Shankar, learned counsel appearing for the respondents 4 to 7 and perused the materials available on record.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 would state that based on the representation of the Petitioner, the third respondent had conducted a survey and found that encroachment has been made in the public pathway and had issued instructions to the Block Development Officer to remove the said encroachment. It is further submitted that encroachment made by the private respondents would be removed in accordance with law, within a period of six months.

4.It is submitted by the learned counsel appearing for the respondents 4 to 7 that in respect of the same issue, two civil suits are pending between the parties and the same has been suppressed by the Petitioner.

5.Recording the above said submission of the learned Additional Government Pleader, the Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar(CS)

To

<https://hcservice.court.gov.in/> The District Collector,
Tiruchirappalli District.



2.The Revenue Divisional Officer,
Musiri,
Office of the Revenue Divisional Officer,
Musiri, Tiruchirappalli District.

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3.The Tahsildar,
Musiri Taluk,
Taluk Office,
Musiri,
Tiruchirappalli District.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-53150[F] dated 12/03/2019)

+1 CC to M/s.S.K.MANI, Advocate (SR-53189[F] dated 12/03/2019)

+1 CC to M/s.SPL GP (SR-53278[F] dated 12/03/2019)

VSN

ORDER MADE IN
W.P(MD) NO.4059 OF 2019
11.03.2019

KM/(03.04.2019) 3P 7C