



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD)No.5155 of 2019

and

W.M.P. (MD)No.4141 of 2019

T.Gomathinayagam ... Petitioner
Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

3.The Tahsildar,
Tiruchendur,
Thoothukudi District.

4.The Executive Officer,
Special Grade Municipality,
Tiruchendur,
Thoothukudi District.

5.P.Esakkiappan ... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to prevent the 5th respondent from putting up any construction by encroaching 3 ft.in the common passage which is being used by the people in that locality comprised in Survey No.1461/20 situated at North Car Street, Keela Tiruchendur Town, Tiruchendur Taluk, Thoothukudi District in pursuance of the proceedings of the 2nd respondent dated 01.02.2019 made in reference No.O.Aa5/515/2019 and thereby make the said passage to be free for the usage of general public, road users and emergency uses forthwith.

For Petitioner : Mr.J.Ramamoorthy

For Respondents : Mr.Aayiram K.Selvakumar, AGP for R1 to 3
Mr.A.K.Baskara Pandian, Spl.G.P.for R4
No appearance for R5

**ORDER****(Order of the Court was made by K.KALYANASUNDARAM, J.)**

This Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to prevent the 5th respondent from putting up any construction by encroaching the common pathway in Survey No.1461/20 situated at North Car Street, Keela Tiruchendur Town, Tiruchendur Taluk, Thoothukudi District.

2.Heard Mr.J.Ramamoorthy, learned counsel for the petitioner, Mr.Aayeram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the 4th respondent.

3.Despite service of notice and the name of the 5th respondent is printed in the cause list, none appears for the 5th respondent.

4.It is submitted by the learned Additional Government Pleader appearing for the respondents 1 to 3 that based on a survey conducted in Survey No.1461/20 by official respondents, no encroachment was found out and it is a private land of the 5th respondent.

5.At this juncture, the learned counsel for the petitioner seeks permission to withdraw the Writ petition with liberty to approach the competent Civil Court. He has also made an endorsement to that effect.

6.Hence, this Writ petition is dismissed as withdrawn with liberty to the petitioner to approach the competent Civil Court. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

nbj

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.



3.The Tahsildar,
Tiruchendur,
Thoothukudi District.

4.The Executive Officer,
Special Grade Municipality,
Tiruchendur,
Thoothukudi District.

+1CC TO MR.J.RAMAMOORTHY, Advocate Sr. No. 56418

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.56932

W.P. (MD) No.5155 of 2019

25.03.2019

TR (11.04.2019) 3P 7C