



WEB COPY

W.P(MD)No.19559 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.19559 of 2019

K.Sasikumar

.. Petitioner

Vs.

1.The District Magistrate / District Collector,
Office of the District Collector,
Karur, Karur District.

2.Balu @ Balakrishnan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent / District Magistrate to dispose of the petitioner under Section 133(I) (a) (I) Cr.P.C., dated 10.10.2018 and 02.04.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.J.Chakkaravarthy

For R1 : Mr.A.K.Baskara Pandian
Special Government Pleader

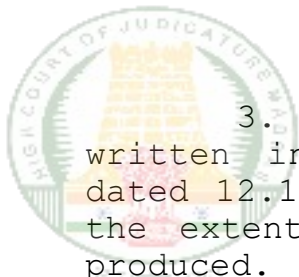
For R2 : Mr.K.Hariharan

ORDER

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

Heard Mr.S.J.Chakkaravarthy, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the first respondent and Mr.K.Hariharan, learned counsel for the second respondent. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition has been filed seeking for a direction upon the first respondent to dispose of his application filed under Section 133 Cr.P.C., and abate the nuisance caused by the second respondent by fencing a common pathway. On a perusal of the photographs, we find that there are stone pillars adjacent to the third respondent's house and according to the petitioner it is an encroachment of a pathway.



3. The Revenue Thasildar, Aravakurichi Taluk has given written instructions to the learned Special Government Pleader, dated 12.10.2019 stating that the encroachment has been removed to the extent of 4.50 square meters and photographs have also been produced. In the meantime, the second respondent has filed a suit in O.S.No.765 of 2019 on the file of the Sub Court, Karur and obtained an order of temporary injunction in I.A.No.873 of 2019. In the said suit, the petitioner is the defendant.

4. In the light of the above, the extent of encroachment removed as of now, shall be maintained as such and no further encroachment shall be made and the parties are left to adjudicate their rights before the civil Court.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

The District Magistrate / District Collector,
Office of the District Collector,
Karur, Karur District.

+1 CC to SPL GP SR-96092.

+1 CC to M/s.S.J.CHAKKKARAVARTHY, Advocate SR-96198.

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CS(13.11.2019) 2P 4C