



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P. (MD) No.21663 of 2019

U.Chandran

... Petitioner

-vs-

- 1.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
- 2.The District Collector,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 4.The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.
- 5.Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.
- 6)P.Shree Shanthajee

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent in S.Nos.1410 and 1411 of Achanthavizhthan Village, Srivilliputhur Taluk, Virudhunagar District at once.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For Respondents 1 to 4	:	Mr.M.Murugan Government Advocate
For 5 th Respondent	:	Ms.V.P.M.Vaishnavi Government Advocate



O R D E R

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

Heard Mr.P.Ganapathi Subramanian, learned counsel appearing for the petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 4 and Ms.V.P.M.Vaishnavi, learned Government Advocate appearing for the 5th respondent.

2.By consent on either side, the Writ Petition is taken up for final disposal at the admission stage itself. In view of the order we propose to pass in this Writ Petition, notice to the 6th respondent is dispensed with.

3.This Writ Petition designed as Public Interest litigation has been filed to remove the alleged encroachment made by the 6th respondent.

4.The learned counsel appearing for the petitioner would contend that the claim of the 6th respondent was negated by the District Collector and the appeal filed against the said order was dismissed by the Commissioner of Land Administration, Chennai by order dated 03.04.2012. Even then, till date no step has been taken to remove the encroachment.

5.Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 4 would submit that there is no pukka construction or any other encroachment, but some soil has been put in the cart track and there is no obstruction caused. Due to the dispute with the petitioner, the 6th respondent has filed a suit in O.S.No.395 of 2008 on the file of the Principal District Munsif, Srivilliputtur, wherein the official respondents and the petitioner are arrayed as defendants and instead of contesting the suit, the petitioner has filed this Writ Petition.

6.Considering the facts and circumstances of the case, we are of the view that at this juncture it would not be proper to issue any direction as prayed for, as the matter should be decided by the appropriate forum. For such reason, we dispose of the Writ Petition with the observation that at this juncture no direction can be issued as sought for. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

2.The District Collector,
Virudhunagar District.

3.The Revenue Divisional Officer,
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Virudhunagar District.

4.The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

5.Block Development Officer,
Srivilliputhur Panchayat Union,
Srivilliputhur,
Virudhunagar District.

COPY TO
THE PRINCIPAL DISTRICT MUNSIF,
SRIVILLIPUTHUR.

+1CC TO MR.P.GANAPATHI SUBRAMANIAN, Advocate Sr. No. 92710
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 92782

W.P. (MD) No.21663 of 2019
15.10.2019

PK(CO)
TR(04.11.2019) 3P 9C