



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.22485 of 2019
and W.M.P.(MD) No.19271 of 2019

K.Kasipandi

... Petitioner

-vs-

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Block Development Officer,
Keelappavur Panchayat Union,
Pavoorchathram,
Tirunelveli District.
- 3.The Executive Officer,
Thippanampatti Panchayat Union,
Tenkasi Taluk,
Tirunelveli District.
- 4.Kadalmani
- 5.Thirumalaikumar
- 6.K.Arasakumar
- 7.K.Selvakumar
- 8.K.Karthikumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to demolish/remove the construction put up by respondents 5 to 8 in survey No.297/1A5 of Thippanampatti Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.V.Angusamy

For 1st Respondent : Mr.S.Angappan
Government Advocate

For Respondents 2 and 3 : Mr.M.Karuppasamy Pandian
Government Advocate



O R D E R

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

Heard Mr.V.Angusamy, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the 1st respondent and Mr.M.Karuppasamy Pandian, learned Government Advocate appearing for the respondents 2 and 3.

2.By consent on either side, this Writ Petition itself is taken up for final disposal. In view of the order we propose to pass in this Writ Petition, notice to the respondents 4 to 8 is dispensed with.

3.This Writ Petition has been filed to direct the respondents 2 and 3 to demolish/remove the construction put up by respondents 5 to 8 in survey No.297/1A5 of Thippanampatti Village, Tenkasi Taluk, Tirunelveli District.

4.Admittedly, there is a civil dispute between the petitioner and the fourth respondent in O.S.No.194 of 2016 on the file of the Principal District Munsif Court, Tenkasi.

5.It is submitted by the learned counsel appearing for the petitioner that in the suit an order of temporary injunction was granted for a limited period and the same could not be extended because the advocates are on boycott.

6.If the Advocate is boycotting the Court, it is well open to the petitioner to discharge the Vakalat and appear party in person and it is also open to him to initiate proceedings against the advocate for not appearing before the Court, having accepted the Vakalat. In any event, the issue raised before this Court is purely a private litigation, which cannot be entertained by this Court.

7.In view of the above, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

sj



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Block Development Officer,
Keelappavur Panchayat Union,
Pavoorchathram,
Tirunelveli District.

3.The Executive Officer,
Thippanampatti Panchayat Union,
Tenkasi Taluk,
Tirunelveli District.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-94318[F] dated 24/10/2019)

+1 CC to M/s.SPL GP (SR-94238[F] dated 24/10/2019)

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JMN(08.11.2019) 3P : 6C