



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM :

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.No.15489 of 2021

Mr.A.Vijayan

... Petitioner

Vs

1. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.
2. The Tahsildar,
Gummidipoondi,
Thiruvallur District.
3. Mr.Sathamban

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance a Writ of Mandamus directing the 1st and 2nd Respondents to consider the petitioner's representation dated 24.04.2021 and remove the encroachment in S.No.90/61, Village No.5, Kannambakkam Village, Gummidipoondi Taluk, Tiruvallur District, illegally put up by the 3rd Respondent in the pathway.

For Petitioner : Mr.D.Gopinathan.

For Respondents: Mrs.R.Anitha, State
Government Counsel for R1 & R2.

O R D E R

(Order of the Court was delivered by P.T.ASHA, J)

The matter has been heard through "Video Conference".

2.The above Writ Petition is filed for Mandamus, directing the First and Second Respondents to consider the petitioner's



representation dated 24.04.2021 and remove the encroachment in S.No.90/61, Village No.5, Kannambakkam Village, Gummidipoondi Taluk, Tiruvallur District, illegally put up by the 3rd Respondent in the pathway.

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3.Heard Mr.D.Gopinathan, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel appearing for the Respondents 1 and 2.

4.The subject matter of the Writ Petition is already the subject matter of the Suit in O.S.No.198 of 2012 which was originally instituted on the file of the District Munsif Court, Ponneri and subsequently transferred to District Munsif Court, Gummidipoondi. The Suit has been filed for permanent injunction in respect of B schedule property which according to the Petitioner forms part of the A schedule property. This is also very same property which is the subject matter of this Writ Petition. Therefore, considering the fact that the subject matter in the present Writ Petition is already the subject matter of the Suit, no purpose would be served in keeping the Writ pending.

5.However, taking into consideration of the fact that the Suit O.S.No.198 of 2012 is pending since the year 2012 before the District Munsif Court, Gummidipoondi, a direction is given to the District Munsif, Gummidipoondi to dispose of the said Suit within a period of six months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

rri/ay

To

1. The Revenue Divisional Officer,
Ponneri, Thiruvallur District.



2. The Tahsildar,
Gummidipoondi,
Thiruvallur District.

3. The District Munsif,
Gummidipoondi.

+1cc to Mr.D.Gopinathan, Advocate, S.R.No.36355

+1cc to the Government Pleader, S.R.No.36576

W.P.No.15489 of 2021

GJ(CO)
SU(08/09/2021)