



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.13981 of 2011

R.Gnanamuthuu Nadar

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Executive Officer,
Selection Grade Town Panchayat,
Alangulam,
Tirunelveli District.

3. Mahesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider the Petitioner's representation dated 28.06.2011 and subsequently direct the 2nd respondent to evict the encroachment.

For Petitioner	: Mr.T.Vadivelan
For Respondents	: Mr.R.Baskaran, Standing Counsel for Govt, For R1. Mr.K.Mahendran, For R2. Mr.S.Meenakshi Sundaram, For R3.

O R D E R

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

The petitioner seeks for a direction upon the first and second respondents to consider the Petitioner's representation dated 28.06.2011 and subsequently direct the second respondent to evict the encroachment .

2. According to the learned counsel for the petitioner, the property which is encroached by the third respondent is a water channel. Due to efflux of time, the relief sought for cannot be granted at this juncture. Neither the petitioner nor the official



respondents have any instructions as to the present status of the encroachment.

3. There is a civil dispute between the petitioner and the third respondent and the present writ petition is motivated. Several years have passed by, since the writ petition is filed. Therefore, at this juncture, the prayer cannot be granted. Therefore, we dispose of this writ petition, giving liberty to the petitioner to pursue the same, if still the need arises.

4. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-20910[F] dated 01/07/2021)

+1 CC to M/s.R.MANIMARAN, Advocate (SR-20945[F] dated 02/07/2021)

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CM(CO)

KB(14.07.2021) 2P 4C