



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.7370 of 2020
and W.M.P. (MD)No.6817 of 2020

A.Jayaraj

... Petitioner

Vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

3.The Tahsildar, Sivagiri Taluk,
Tenkasi District.

4.Karpagam, W/o.Mukesh

5.Mukesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to forbear the illegal encroachment of the respondents 4 and 5 in the Children's Park, water tank in Plot Nos.26 and 43, comprised in Survey No.327/2A at Indira Colony, Duraisamiyapuram Village, Sivagiri Taluk, Tenkasi District, on the basis of the petitioner's representation, dated 01.06.2020.

For Petitioner : Mr.J.Athiamaan

For R1 to R3 : Mr.K.P.Krishnadoss
Special Government Pleader

For R4 and R5 : Mr.M.Ramu

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this Writ Petition seeking for issuance of a Writ of Mandamus, directing respondent Nos.1 to 3 to take action against the illegal encroachment made by respondent Nos.4 and 5.

2.From the submission made by the learned Special Government Pleader appearing for respondent Nos.1 to 3 and the counter



affidavit filed by respondent Nos.4 and 5, it appears that respondent No.4, who is the wife of the fifth respondent, has been given Assignment Patta. After assignment, she started the construction work in the above site, but the petitioner and others have not permitted her to start the construction work. Therefore, respondent No.4 preferred a complaint before the Sivagiri Police Station and a case was also registered against them. Hence, there is no question of encroachment alleged to be made.

3.In such view of the matter, we do not find any merit in this Writ Petition. Therefore, this Writ Petition fails and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

4.We make it clear that if the petitioner and others continued to obstruct the construction made by respondent Nos.4 and 5 in the Assignment Patta land, they can very well seek the assistance of the Police.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

smn2

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,
Tenkasi District, Tenkasi.
- 2.The Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 3.The Tahsildar, Sivagiri Taluk,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-6207[F] dated 19/02/2021)

+1 CC to M/s.J.ATHIAMAAN, Advocate (SR-6268[F] dated 19/02/2021)

W.P. (MD)No.7370 of 2020

18.02.2021

VR(CO)

TR(05.03.2021) 2P 6C

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