



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. (MD) No.6391 of 2019

WEB COPY

Arockiyasamy

.. Petitioner

Vs

1.The District Collector,
Collectorate,
Sivagangai.

2.The Tahsildhar,
Ilayangudi Taluk,
Sivagangai District.

3.Arulanand

.. Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 06.12.2017 to remove the encroachment made by the third respondent in Public Street which was in S.No.129/8 at Kalangathan Kottai Village in Ilayangudi Taluk, Sivagangai District.

For Petitioner : Mr.K.Rameshkumar

For Respondents : Mr.B.Saravanan

Government Advocate for R1 & R2

Mr.S.Malai Kani for R3

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the respondent authorities have not taken any action against the third respondent despite the third respondent having encroached into government property.

2.It is submitted on behalf of the third respondent that a suit instituted by the third respondent in respect of the relevant land has been decreed and the State has preferred an appeal against the decree.



3. In view of the aforesaid, no effective direction can be issued at this stage. However the official respondents are directed to leave no stone unturned in the event it is perceived that the third respondent had encroached any government land. Any steps taken against the third respondent have to be in accordance with law, particularly, not in derogation of any order passed by the civil forum in favour of the third respondent.

4. W.P(MD)No.6391 of 2019 is disposed of with the above observation and without any order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps/pm

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,
Collectorate,
Sivagangai.

2. The Tahshildhar,
Ilayangudi Taluk,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-27044[F] dated 24/08/2021)

W.P. (MD) No.6391 of 2019
23.08.2021

DJ(CO)
SB(02.09.2021) 2P 4C

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