



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI
W.P. (MD)No.18726 of 2020

T.Parameshwari : Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Periyakulam Taluk,
Theni District.

3.The Executive Officer,
Vadugapatti Town Panchayat,
Periyakulam Taluk,
Theni District.

4.Manoj Kumar : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in front of the petitioner's house which is classified as "Cart Road" being Survey No.1131/1A situated at Door No.1A, Vadugapatti, Periyakulam Taluk, Theni District.

For Petitioner : Mr.S.M.Mohan Gandhi

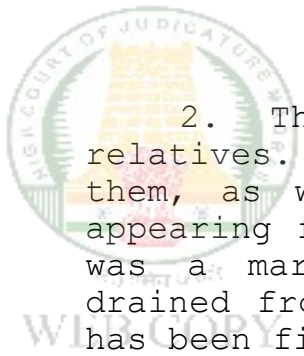
For Respondents : Mr.R.Murugan,
Additional Government Pleader
for R.1 to R.3

Mr.R.Shankar Ganesh for R.4

ORDER

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

The petitioner has come forward to file the writ petition seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent.



2. The petitioner and the fourth respondent are close relatives. There are financial and property transactions between them, as well. From the submissions made by the learned Counsel appearing for the aforesaid parties, we could understand that there was a marriage proposal between the parties. The relationship drained from bad to worse and therefore, the present writ petition has been filed seeking action for removal of encroachment.

3. It appears from the submissions made by the learned Additional Government Pleader appearing for the third respondent that there, indeed, exists some encroachment. The fourth respondent has filed a suit challenging the action initiated.

4. In view of the aforesaid factual position, we are not willing to pass any positive order in this writ petition. Inasmuch as the third respondent has already initiated action, we would only expect the said authority to remove the encroachments, in the manner known to law. We make it clear that this order is without prejudice to the contention of the fourth respondent before the Civil Court.

5. The third respondent shall also conduct enquiry as to whether the petitioner has encroached any public land and if so, appropriate action will have to be taken as against the petitioner also.

6. With the above observations and directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Theni District,
Theni.

2.The Thasildar,
Periyakulam Taluk,
Theni District.



3.The Executive Officer,
Vadugapatti Town Panchayat,
Periyakulam Taluk,
Theni District.

+1 CC to Mr.S.M.MOHAN GANDHI, Advocate (SR-5544[F] dated 17/02/2021)

+1 CC to SPL GP (SR-5632[F] dated 17/02/2021)

**W.P. (MD) No.18726 of 2020
16.02.2021**

KM (02.03.2021) 3P 6C