



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.21120 of 2021

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A.Abdul Salaam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Tahsildar,
Office of the Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.

3.The Block Development Officer,
Panchayat Union Office,
Kadaladi,
Ramanathapuram District.

4.K.Abdul Raheem

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in respect of the property comprised in Survey No.340/10, of an extent of 0.01.17 ares situated at Maravaikudi Village, Kadaladi Taluk, Ramanathapuram District by considering the proceedings issued by the 2nd respondent in Na.Ka.No.P1/3936/2019 dated 23.10.2019 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondent Nos.1 : Mr.M.Ramesh

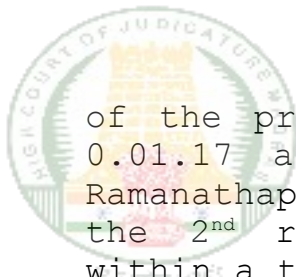
to 3 Government Advocate

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 4th respondent in respect

<https://hdservices.com.sg/in/hdservices/>



of the property comprised in Survey No.340/10, of an extent of 0.01.17 ares situated at Maravaikudi Village, Kadaladi Taluk, Ramanathapuram District, by considering the proceedings issued by the 2nd respondent in Na.Ka.No.P1/3936/2019, dated 23.10.2019, within a time frame.

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2.Mr.M.Ramesh, learned Government Advocate, accepts notice on behalf of respondent Nos.1 to 3.

3.The second respondent/Tahsildar in his proceedings, dated 23.10.2019, has mentioned that in the above said survey number, the above said extent has been encroached by one Kasbul Rahaman S/o. Abdul Rahim. Thereafter, the fourth respondent has filed a suit in O.S.No.233 of 2019, on the file of the District Munsif, Kadaladi, for declaration of title and permanent injunction, injuncting the present petitioner from disturbing his possession. The District Collector and Tahsildar are also party to the suit. As already stated above, since the civil suit is pending in respect of same extent of property in very same survey number, it is open to the petitioner, who is the third defendant in the suit, to work out his remedy in the suit.

3.The Writ Petition stands dismissed with the above observations. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,
Office of the District Collector,
Ramanathapuram District.



2.The Tahsildar,
Office of the Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.

3.The Block Development Officer,
Panchayat Union Office,
Kadaladi,
Ramanathapuram District.

+1 CC to M/s.G.GANGAI AMARAN, Advocate (SR-36256[F] dated
29/11/2021)

+1 CC to M/s.SPL GP (SR-36266[F] dated 29/11/2021)

W.P (MD) No.21120 of 2021
26.11.2021

VR (CO)
SB(10.12.2021) 3P 6C