



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.07.2021

CORAM :
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.21866 of 2018

S.Angidisamy ... Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Tahsildar,
Office of the Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
- 4.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
- 5.The Executive Officer,
O.Kovilpatti Village Panchyat,
Sankaralingapuram Post,
Virudhunagar Taluk,
Virudhunagar District.
- 6.V.Krishnamoorthy

7.A.Raj ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the Respondents 1 to 5 to remove the encroachment made on the Sankaralingapuram Road in Survey Numbers consisting 1661/14, 1661/15, 1651/6, 1651/2, 1651/12, 1659/25 and 1018/53 belong to O.Kovilpatti Village, Sankaralingapuram Post, Virudhunagar Taluk, Virudhunagar District, within the time frame that may be fixed by this Hon'ble Court by considering the representation of the petitioner dated 06.09.2018.



For Petitioner : Mr.L.Prabhu
For Respondents : Mr.A.K.Manickam,
Standing Counsel for Government
For R1 to R4
Mr.J.Padmavathidevi
Standing Counsel for R5
Mr.P.Arun Jayatram
for R7
R6 : No Appearance

ORDER

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

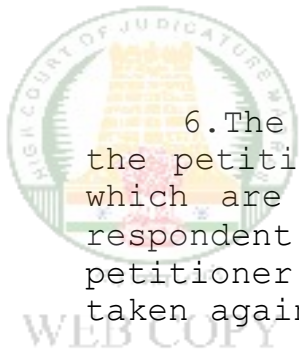
Heard Mr.L.Prabhu, learned counsel for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1 to 4, Mrs.J.Padmavathidevi, learned Standing Counsel for respondent No.5 and Mr.P.Arun Jayatram, learned counsel for respondent No.7.

2.The petitioner seeks for a direction upon respondent Nos.1 to 5 to remove the encroachment made on the Sankaralingapuram Road in Survey Numbers consisting 1661/14, 1661/15, 1651/6, 1651/2, 1651/12, 1659/25 and 1018/53 belong to O.Kovilpatti Village, Sankaralingapuram Post, Virudhunagar Taluk, Virudhunagar District.

3.The learned counsel for respondent No.7 submitted that there is no encroachment on the Sankaralingapuram Road by respondent Nos.6 and 7 and that the Writ Petition is liable to be dismissed on the ground of *res judicata*.

4.It is pointed out by the learned counsel for the petitioner that the other petition relating to a different matter and the present complaint is relating to a compound wall constructed around a temple.

5.The Writ Petition has been filed in the year 2018 and the representation was made much earlier. Neither the official respondents nor the private respondents filed their counter affidavit. Therefore, to keep the Writ Petition pending any longer is a wasteful exercise. Therefore, we dispose of the Writ Petition by directing the petitioner to give fresh representation to respondent Nos.4 and 5, who shall consider the same after issuing notice to the petitioner and respondent Nos.6 and 7 and proceed to take action in accordance with law, if need arises to do so. This direction shall be complied with within a period of twelve weeks from the date of receipt of a copy of this order. No costs.



6.The learned counsel for the respondent No.7 submitted that the petitioner is a troublemaker and has filed several complaints, which are vexatious. This aspect shall also be taken note of by respondent Nos.4 and 5 while examining the *bonafides* of the petitioner and if there is lack of *bonafide*, appropriate action be taken against the petitioner.

Sd/-

Assistant Registrar (CS-II)

// 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,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Aruppukottai, Virudhunagar District.
- 3.The Tahsildar,
Office of the Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

+1 CC to M/s.P.ARUN JAYAT RAM, Advocate (SR-22877[F] dated 16/07/2021)

+1 CC to M/s.L.PRABHU, Advocate (SR-22787[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22931[F] dated 16/07/2021)

W.P. (MD) No.21866 of 2018
14.07.2021

RD(27.07.2021) 3P 7C