



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.17906 of 2018

(Through Video Conference)

WEB COPY

Kandasamy

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Korampallam,
Thoothukudi District.

2.The Tahsildar,
Taluk Office,
Ottappidaram,
Thoothukudi District.

3.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

4.The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.

5.Ganesan @ Medical Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to institute appropriate legal action against the above-named 5th respondent on the basis of the petitioner's representation dated 26.07.2018.

For Petitioner

: Mr.B.N.Raja Mohamed

For R-1 to R-4

: Mr.P.Thilak Kumar,
Standing Counsel.

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the first respondent to initiate appropriate legal action against the 5th respondent on the basis of the petitioner's representation dated 26.07.2018.



2. According to the petitioner, the land in Survey No.262/2A measuring to an extent of 4 acres and 55 cents at Melamarudhur Village, Ottapidaram Taluk, Thoothukudi District was purchased by his mother in the year 1968 through a sale deed dated 27.05.1968. After her demise on 16.12.2014, being her sole legal heir, the said property devolved on the petitioner and he is in possession and enjoyment of the same. While the matter stood thus, the fifth respondent is trying to trespass into the petitioner's property and caused loss to the petitioner to the tune of Rs.2,00,000/- by raising sand from the petitioner's property to an extent of 60 feet breadth, 300 metres length and 4 ½ feet depth. Hence, the petitioner has made a representation before the authorities requesting to take action against the fifth respondent. The said representation is said to be still pending. Hence, this writ petition.

3. When the matter is taken up for hearing today, the learned Standing Counsel for the respondents 1 to 4 would submit that in respect of the land in question, acquisition proceedings has been completed and now, the land is vested with the Government and therefore, nothing survives for adjudication in the present writ petition.

4. In reply, the learned counsel for the petitioner would submit that the submission of the learned Standing Counsel may be recorded and the writ petition may be closed.

5. In view of the same, the submission made by the learned Standing Counsel for the respondents 1 to 4, is recorded and this Writ Petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

- 1.The District Collector,
Collectorate, Korampallam,
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- 2.The Tahsildar,
Taluk Office, Ottappidaram,
Thoothukudi District.
- 3.The Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 4.The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.

+1 CC to SPL GP (SR-20305[F] dated 25/06/2021)

Order made in
W.P(MD)No.17906 of 2018
Dated:
24.06.2021

KM(01.07.2021) 3P 6C