



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.26861 of 2019

Rajeshwari

... Petitioner

Vs.

1.The District Collector,  
Collectorate,  
Tiruchirapalli District.

2. Revenue Divisional Officer,  
Musiri,  
Tiruchirapalli District.

3.The Tahsildar  
Thuraiyur Taluk,  
Tiruchirapalli District.

4.Periyasamy  
5.Duraisamy

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments on the passage running in Survey No.529/19 of Kaliyampatti Village, situate at Thuraiyur Taluk, Tiruchirapalli District.

|                |   |                                                        |
|----------------|---|--------------------------------------------------------|
| For Petitioner | : | Mr.R.Srinivasan                                        |
| For R-1 to R-3 | : | Mr.A.K.Manickam,<br>Standing counsel<br>for Government |
| For R-4        | : | Mr.R.Gowrishankar                                      |
| For R-5        | : | No Appearance                                          |



**O R D E R**

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.R.Srinivasan, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing counsel appearing for the respondents 1 to 3 and Mr.R.Gowrishankar, learned counsel appearing for the fourth respondent.

2.The petitioner seeks for a direction upon the respondents 1 to 3 to remove the encroachments on the passage running in Survey No.529/19 of Kaliyampatti Village, situate at Thuraiyur Taluk, Tiruchirapalli District.

3.The Revenue Officials have inspected the property and the learned Standing Counsel for the Government submits that there is no encroachment.

4.Now the petitioner would state that there is an encroachment and he has produced certain photographs.

5.Unfortunately, this disputed question of fact cannot be decided in the writ petition based on affidavits and photographs. If the petitioner is aggrieved, he can approach the Revenue Divisional Officer or the District Collector, by way of fresh representation, which shall be considered.

6.With the above observation, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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,  
Tiruchirapalli District.

2. Revenue Divisional Officer,  
Musiri,  
Tiruchirapalli District.

3.The Tahsildar  
Thuraiyur Taluk,  
Tiruchirapalli District.

+1 CC to M/s.SPL GP ( SR-22943[F] dated 16/07/2021 )

**W.P. [MD]No.26861 of 2019**

**14.07.2021**

**PM**(CO)

LR (23.07.2021) 3P 5C