



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3789 of 2022

M.Rajasekaran

.. Petitioner

vs

1. The District Collector,
Namakkal District, Namakkal.
2. The District Revenue Officer,
Namakkal District, Namakkal.
3. Revenue Divisional Officer,
Trichengode, Namakkal District.
4. The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.
5. A.Jaganathan
6. R.Rajendran
7. A.Marimuthu
8. A.Karunanithi
9. A.Kanagasundaram

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to initiate appropriate action to remove the encroachment made by the respondents 5 to 9 in Survey No.577, Punjai Edayar Melmugam Village, Paramathy Vellur Talu, Namakkal District, based on the complaint of the petitioner dated 09.06.2021.



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For the Petitioner
For the Respondents

:Mr.E.P.Senniyangiri
:Mr.J.Ravindrnan
Addl. Advocate General
assisted by Mr.P.Muthukumar,
State Govt. Pleader for RR 1 to 4

* * * * *

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on respondent Nos.1 to 4 to remove the encroachment made by respondent Nos.5 to 9.

2. The photographs have been enclosed to show the encroachment by respondent Nos.5 to 9, but we do not find any encroachment as the construction of the wall seems to be quite old. It is, however, submitted that the compound wall was constructed almost 3 to 4 years back and as a consequence of that, the vendors are now selling vegetables and other goods on the street near the compound wall.

3. The facts available on record do not show a recent construction or encroachment, therefore, it cannot be said to be a bonafide petition for that purpose, otherwise, even if the statement of the learned counsel for the petitioner is believed that the encroachment is said to have taken place almost three years back, then why the issue was not taken by the petitioner then and there could not be clarified.

Looking into the overall facts, we do not find any ground to issue the rule nisi and to call upon a status report rather finding no merit in the writ petition, the same is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sra



To:

1. The District Collector,
Namakkal District, Namakkal.
2. The District Revenue Officer,
Namakkal District, Namakkal.
3. Revenue Divisional Officer,
Trichengode, Namakkal District.
4. The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.

+lcc to Mr.E.P.Senniyangiri, Advocate SR.No.12817

W.P.No.3789 of 2022

GPL(CO)
CB(03/03/2022)