



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.26101 of 2021

Ammampalayam Anaikattu Pasana Vivasayigal Sangam
duly rep by its President
Mr. Gunasekaran
No.1/55 West Street
Ammampalayam Post
Attur Taluk
Salem District - 141.

...Petitioner

Vs.

1.The District Collector,
Salem District
Salem - 1.

2.The Tahsildar
Attur Taluk
Salem District - 105.

3.Govindaraj

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the first and second respondents to remove the encroachment made by the third respondent herein in Nottakaran Pond bearing survey No.67 to an extent of 2.44.0 Hectare in Thulukkanoor Village Attur Taluk, Salem District based on the petitioners representation dated 8.10.2021.

For the Petitioner : Mr.L.Rajendran

For the Respondents : Mrs.R.Anitha,
Special Government Pleader,
for respondents 1 and 2

Not ready in notice - R3



ORDER

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

The writ petition has been filed for a direction to the respondents 1 and 2 to remove the encroachment made by the third respondent.

2. Learned Special Government Pleader submits that pursuant to the litigation initiated by the third respondent in a civil suit, a decree exists in his favour, after reversal of the order by the High Court in Second Appeal and therefore, the third respondent preferred a writ petition for direction to issue patta and appropriate directions were also given in the writ petition and thus, the third respondent cannot be said to be an encroacher.

3. Learned counsel for the petitioner could not explain the status of the third respondent. More so, a decree exists now in favour of the third respondent in respect of the land in question, followed by a direction of this Court for the issue of patta.

4. In view of the above, the third respondent cannot be said to be an encroacher of the land. As the direction in the nature prayed for by the petitioner cannot be granted, this writ petition is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

kpl

To:

1.The District Collector,
Salem District
Salem - 1.

2.The Tahsildar
Attur Taluk
Salem District - 105.

+1cc to the Government Pleader SR.No.1667

W.P.No.26101 of 2021

SSD(CO)
RVM(12/01/2022)