



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P(MD)No.1701 of 2022
and
WMP(MD)No.1501 of 2022

Y.James Baskar

... Petitioner

vs.

1) The District Collector,
Tenkasi District.

2) The Block Development Officer,
Alangulam Block,
Tenkasi District.

3) The Panchayat President,
Puthupatti Panchayat,
Tenkasi District.

4) Magesh Peter

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 3 to take appropriate action to remove the unauthorised construction constructed by the 4th respondent at the property in Ayan Punjai Sy.No.740/B1 to the extent of 31½ cents northern side situated at Puthupatti Part-1 village, Alangulam Sub-Registration Circle, Tenkasi District by considering the petitioner's representation dated 19.01.2022 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Sankararamasubramanian

For R1 : Mr.M.Siddharthan
Additional Government Pleader

For R2 : Mr.Nataraj



ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

In the writ petition, the petitioner is seeking a direction to the respondents 1 to 3 to take appropriate action to remove the unauthorised construction constructed by the 4th respondent in Survey No.740/B1 to an extent of 31½ cents at Puthupatti Part-1 Village, Alangulam Sub-Registration Circle, Tenkasi District.

2. Perusal of record go to show that already the father of the petitioner had filed a suit in O.S.No.62 of 2015 on the file of the Sub Court, Ambasamudram, for a declaration and injunction. The said suit after trial was dismissed and appeal has been preferred. So, having failed in the attempt to succeed in the civil suit, for the very same survey number, the petitioner has now filed the above writ petition.

3. Since already the appeal is pending, the petitioner can pursue his remedy in the appeal.

4. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

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To

1) The District Collector,
Tenkasi District.

2) The Block Development Officer,
Alangulam Block, Tenkasi District.

3) The Panchayat President,
Puthupatti Panchayat,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-3336[F] dated 01/02/2022)

W.P(MD)No.1701 of 2022

DATED : 31.01.2022

RK(11/02/2022) 2P 5C