



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 21.03.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE PARESH UPADHYAY**

**AND**

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

**W.P(MD)No. 4845 of 2022**

WEB COPY

D.Chellappa

.. Petitioner

Vs

1. The District Collector,  
Office of the District Collector,  
Madurai District.
2. The Additional Director of Panchayats,  
Office of the Collectorate Campus,  
Madurai - 625 020.
3. The Block Development Officer,  
Madurai West Union,  
Madurai District.
4. The Tahsildar,  
Y. Othakadai Taluk Office,  
Y. Othakadai,  
Madurai District.
5. Sasi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 herein to remove the illegal encroachments made by the 5<sup>th</sup> respondent in the common pathway situated at R.S.No.151/3 A and 151/6, situated at Kodikulam Village, Y.Othakadai, Madurai District on the basis of the petitioner's representation dated 31.03.2021 within the time stipulated by this Hon'ble Court.

|                 |   |                                                                                                           |
|-----------------|---|-----------------------------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.R.Ganesan                                                                                              |
| For Respondents | : | Mr. J.Ashok,<br>Addl.Govt.Pleader<br>for R1 and R4<br>Mr.K.Balasubramani,<br>Spl.Govt.Pleader for R2 & R3 |

**ORDER**

**(Made by PARESH UPADHYAY, J.)**

1. The petitioner seeks direction against the State Authorities to remove the so called encroachment made by the fifth respondent. The address of the petitioner and the fifth respondent are as under:

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



Petitioner:

D.Chellappa  
S/o. Duraipandi,  
Door No.5/850 A,  
Ayyappan Nagar, 4<sup>th</sup> Cross Street,  
Y.Othakadai, Madurai District.

Fifth Respondent:

Sasi  
W/o. M.Ramasamy,  
Door No.5/183,  
Ayyappan Nagar, 4<sup>th</sup> Cross Street,  
Y.Othakadai, Madurai District.

2. From the above it is clear that, they are the neighbours - next Door neighbours. We have seen the photographs at page number 32, which is perceived to be an encroachment. They are full grown coconut trees, which would have taken not less than a decade to grow as it stand now. It is these trees which are stated to be encroachment by the private respondent. The dismissal of this petition should not detain this Court any further.

3. Learned advocate for the petitioner is also called upon to address the Court about the costs to be imposed. At that time, he submits that, he may be permitted to withdraw this petition. Permission as prayed for is not granted, but in the peculiar case, costs is not imposed.

4. Writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn/9

To

1. The District Collector,  
Office of the District Collector,  
Madurai District.

2. The Additional Director of Panchayats,  
Office of the Collectorate Campus,

<https://hcservices.mca.gov.in/hcservices/625020>.



3. The Block Development Officer,  
Madurai West Union,  
Madurai District.

4. The Tahsildar,  
Y. Othakadai Taluk Office,  
Y. Othakadai,  
Madurai District.

+1 CC to M/s.K.BALASUBRAMANI, Advocate ( SR-13613[F]  
dated 22/03/2022 )

+1 CC to M/s.SPL GP ( SR-13455[F] dated 22/03/2022 )

W.P (MD) No.4845 of 2022  
21.03.2022

NSN(CO)  
GC(30.03.2022) 3P 7C