



WEB COPY

W.P(MD)No. 6763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 6763 of 2022

N.Ethiraj ... Petitioner

Vs

1.The Revenue Divisional Officer,
Kulithalai Taluk, Karur District.

2. The Tahsildar,
Krishnarayarpuram Taluk,
Karur District.

3.Natrajan. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 forthwith to remove the encroachment made in the water body comprised in Sy.No.94/1, 94/3A, 94/2A, 77/7B Pillapalayam Village, Krishnarayarpuram Taluk, Karur District.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.S.Shaji Bino,
Addl.Govt.Pleader
for R1 and R2

ORDER

[Made by PARESH UPADHYAY, J.]

The petitioner seeks direction against the State Authorities for removal of some construction which is perceived to be encroachment by the writ petitioner.

2. It is not in dispute that, there is already a suit on the same subject matter being O.S.No.292 of 2021. Learned advocate for the petitioner states that the said suit is not maintainable. The cause title of the said suit indicates that the petitioner is the first defendant in the said suit. We find that, the substance of the argument on behalf of the writ petitioner here is that, let that suit be dismissed which according to him is not maintainable.

3. We are not inclined to convert this writ petition which is under Article 226 of the Constitution of India, as an application under Order VII Rule 11 of the Civil Procedure Code.



4. This petition is dismissed. No costs.

Sd/-

Assistant Registrar (Protocol)

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/ /2022

Sub Assistant Registrar(CS)

sj/11

To

1.The Revenue Divisional Officer,
Kulithalai Taluk, Karur District.

2. The Tahsildar,
Krishnarayarpuram Taluk,
Karur District.

+1 CC to M/s.SPL.GP. (SR-18865[F] dated 13/04/2022)

W.P (MD) No.6763 of 2022
12.04.2022

RD(25.04.2022) 2P 4C