



W.P(MD) No.7439 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.7439 of 2019

M.Ramalingam

... Petitioner

-VS-

1. The District Collector,
O/o. the Collectorate, Tirunelveli,
Tirunelveli District.

2. The Commissioner,
Sankarankovil Municipality,
Tirunelveli District.

3. The Tahsildar,
Taluk Office,
Sankarankovil,
Tirunelveli District.

4. The Inspecor of Police,
Sankarankovil Town Police Station,
Sankarankovil,
Tirunelveli District.

5. Kaliyappan
6.Poolar

... Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6, by putting up fencing, by concrete grille in common path way particularly on the eastern side of road in Town Survey No.5, Block No. 49A, Ward No.B (Old Survey No. 544/3 Part) of Pattadoor Village, Sankarankovil Town, Tirunelveli District, based on the consideration of the petitioner's representation dated 07.05.2018.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader
for R1 & R3
Mr.T.Senthil Kumar
Additional Public Prosecutor for R4
Mr.P.Mahendran for R2

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6, on the eastern side of road in Town Survey No.5, Block No. 49A, Ward No.B (Old Survey No. 544/3 Part) of Pattadoor Village, Sankarankovil Town, Tirunelveli District, based on the petitioner's representation dated 07.05.2018.



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2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 and 3, produced a communication of the second respondent – the Commissioner, Sankarankovil Municipality, in Na.Ka.No.1428/2019/F1 dated 27.05.2019, along with sketch and extracts of relevant revenue records, addressed to him and submitted that pursuant to the filing of the writ petition, the second respondent has conducted a survey in the common pathway in question and the said survey revealed that there is no such encroachment as alleged by the petitioner. The said submission and the communication dated 27.05.2019 are not refuted by the learned counsel for the petitioner.

3. Recording the above submission of the learned Special Government Pleader, this writ petition stands closed. However, it is always open to the petitioner to approach the authorities concerned, to redress his grievance, if any. No costs.

[R.M.D., J.] [J.S.N.P., J.]
12.10.2022

Index : Yes / No
Internet : Yes / No
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and
J.SATHYA NARAYANA PRASAD, J.

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