



W.P.(MD) No.13874 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13874 of 2020

and

W.M.P.(MD)No.11523 of 2020

Gopi

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Block Development Officer,
Tiruchendur Panchayat Union,
Thoothukudi District.

3.The Block Development Officer,
Udangudi Panchayat Union,
Thoothukudi District.

4.M.Rajendran

5.S.Mohamed Ibrahim

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment in the public pathways in Survey No.363/14 at Kayamozhi Village and in Survey No.564/1, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District and consequently, direct the respondents 1 to 3 to forbear the respondents 4 and 5, their men or anyone to encroach the property in further.

For Petitioner	: Mr.K.Navaneetharaja
For R1 and R3	: Mr.V.Nirmal Kumar, Government Advocate
For R2	: Mr.N.Shanmugaselvam
For R4	: No Appearance
For R5	: Mr.M.Saravanan

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed, seeking issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment in the public pathways in Survey No.363/14 at Kayamozhi Village and in Survey No.564/1, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District and consequently, to direct the respondents 1 to 3 to forbear the respondents 4 and 5, their men or anyone to encroach the property in further.

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2.Today, when the matter was taken up for hearing, the learned Government Advocate for the respondents 1 and 3 has produced the proceedings of the 3rd respondent dated 20.09.2022 addressed to him and submitted that the property comprised in Survey No.564/1 stands in the name of private persons and joint patta has also been issued and 'A' Register also clearly shows that it is nothing but a private patta land.

3.In the light of the above, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to approach the concerned forum for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
16.12.2022

Index : Yes / No
Internet : Yes / No

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D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR, J.

Myr

To

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2.The Block Development Officer,
Udangudi Panchayat Union,
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