



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.[MD]No.14747 of 2021

and

W.M.P. (MD) No.11675 of 2021

1.N.Nagarajan

2.K.Kumar

....Petitioners

Vs.

1.The Director,
Town and Country Planning,
Koyembadu,
Chennai.

2.The District Collector,
Pudukkottai District.

3.The Assistant Director,
Town and Country Planning,
Pudukkottai District.

4.The Tahsildar
Aranthangi Taluk,
Pudukkottai District.

5.The Block Development Officer
Aranthangi,
Pudukkottai District

6.The President,
Azhianilai Village Panchayat,
Pudukkottai District.

7.Mariannan

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 4 not to grant any building approval for constructing the building and license for running school in Old S.F.No.208/2, New S.F.No.335/2A2 (Cart Track) of Sithalankudiyurpu Village, Azhianilai Revenue Village, Aranthangi Taluk, Pudukkottai District and consequently direct the respondents 2, 4 and 5 to take appropriate action to remove the encroachment made by the seventh respondent in the above said Old S.F.No.208/2, New S.F.No.335/2A2 (Cart Track).



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For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.P.Thilak Kumar - R1 to R6
Government Pleader
: Mr.V.Karthik,
Senior Counsel
for Fr.V.John Kennedy - R7

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

It is the case of the petitioner that the seventh respondent has encroached into Survey No.208/2 in Sithalankudiyuruppu Village, Azhianilai Revenue Village, Aranthangi Taluk, which is a cart-track and is in illegal occupation of the same, the present Public Interest Litigation has been filed for a direction to the respondents 1 to 6, to remove the same.

2. Heard, Mr.K.Baalasundharam, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 6 and Mr.V.Karthik, Senior Counsel assisted by Fr.V.John Kennedy, learned counsel appearing for the seventh respondent.

3. On instructions, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 6 submitted that the proceedings of the Revenue Divisional Officer shows that the seventh respondent has built the construction only in the patta land and has not encroached.

4. Be that as it may, it appears that the petitioner has filed a suit in O.S.No.92 of 2019 in the District Munsif Court, Aranthangi, against the seventh respondent.

5. In such view of the matter, the present Public Interest Litigation is not maintainable and therefore, the writ petition is dismissed, with liberty to the petitioner to work out his remedy in the manner known to law. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

RM

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



To

1.The Director,
Town and Country Planning,
Koyembadu,
Chennai.

2.The District Collector,
Pudukkottai District.

3.The Assistant Director,
Town and Country Planning,
Pudukkottai District.

4.The Tahsildar
Aranthangi Taluk,
Pudukkottai District.

5.The Block Development Officer
Aranthangi,
Pudukkottai District

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-27864[F]
dated 24/06/2022)

+1 CC to M/s.SPL.GP (SR-28200[F] dated 27/06/2022)

ORDER MADE IN
W.P. [MD]No.14747 of 2021
23.06.2022

ARK (CO)

GC (06.07.2022) 3P 8C