



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.[MD]No.13629 of 2022

S.Senthil Kumar

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sathur,
Virudhunagar District.

3.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
K.Madathupatti, Kananjampatti Village,
Vembakottai Taluk,
Virudhunagar District.

5.The President,
K.Madathupatti,
Kananjampatti Village,
Vembakottai Taluk,
Virudhunagar District.

6.Lingammal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent obstructing the access of the pathway runs in S.No.291/26A in K.Madathupatti, Kananjampatti Village, Vembakottai Taluk, Virudhunagar District.

For Petitioner : Mr.H.Arumugam

For Respondents 1 to 4 : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent No.5 : Mr.P.Thilak Kumar
Government Pleader



O R D E R

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

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Alleging that the sixth respondent has encroached into a pathway in S.No.291/26A in K.Madathupatti, Kananjampatti Village, Vembakottai Taluk, Virudhunagar District, the present Public Interest Litigation has been filed for a direction to the respondents 1 to 5 to remove the same.

2.Today, Mr.R.Nirmal Kumar, Senior Revenue Inspector, Tahsildar office, Vembakottai, is present before this Court.

3.On instructions, learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the dispute is entirely a private dispute between the petitioner and the sixth respondent in as much as, the petitioner himself is an encroacher of certain lands and he has been demanding a free access to the said lands.

4.However, learned Counsel for the petitioner refuted these allegations.

5.Be that as it may, it is brought to the notice of this Court that the revenue authorities issued a notice under the Land Encroachments Act, 1905 to the sixth respondent, aggrieved by which, the sixth respondent has filed a suit in O.S.No.19 of 2022 in the Court of the District Munsif, Virudhunagar, and the same is pending. On a conspectus of the facts obtaining in this case, we are of the opinion that a direction as prayed for by the petitioner cannot be granted.

6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

MR

To:

1.The District Collector,
Virudhunagar District.

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



2.The Revenue Divisional Officer,
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3.The Tahsildar,
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4.The Village Administrative Officer,
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5.The President,
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Vembakottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-29000[F] dated 30/06/2022)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-29190[F] dated 30/06/2022)

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