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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

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

W.P.(MD) No.10128 of 2018

A.Kuppammal ... Petitioner

-vs-

1.The District Collector
Trichy District, Trichy

2.The Revenue Divisional Officer
Trichy

3.The Assistant Commissioner of Police
Anti Land Grabbing Cell, Trichy

4.The Tahsildar
Trichy Taluk Office (West)
Trichy

5.Antonysamy

6.Francis Sahayaraj

7.Iruthayaraj ... Respondents

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PRAYER: 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 put up by the respondents 5 to 7 in Survey No.154, T.S.No.117, situated in Ramachandra Nagar, Edamalai Pudur, Trichy, considering the petitioner's representation dated 08.02.2016, within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.V.Sankaranarayanan for R5 to R7

O R D E R

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in Survey No.154, T.S.No.117, in Ramachandra Nagar, Edamalai Pudur, Trichy, based on the petitioner's representation dated 08.02.2016, within a time stipulated by this Court.

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2. According to the petitioner, the Government have issued assignment Patta to her in respect of Block No.16, T.S.No.117/13. Adjacent to the said lands, there are Government poromboke lands and the respondents 5 to 7 encroached the said lands causing hindrance to the petitioner as well as general public. Though on the representation of the petitioner to remove the encroachment made by the respondents 5 to 7, an enquiry was conducted twice by the authorities concerned, no action has been taken so far for removal of the encroachment. In this regard, the petitioner also filed a civil suit in O.S.No.217 of 2016, before the III Additional District Munsif Court, Trichy, in which, the respondents 5 to 7 also filed a written statement. The said suit is still pending.

3. It appears that there is a civil dispute between the parties in O.S.No.217 of 2016, wherein the respondents 5 to 7 are arrayed as defendants and they have also filed a written statement disputing the title of the petitioner / plaintiff. Therefore, it is for the parties to work out their rights in the pending suit.

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4. Granting such liberty, the writ petition is closed. No costs.

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

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Index : Yes / No
Internet : Yes / No

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To:
1.The District Collector,
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2.The Revenue Divisional Officer,
Trichy.

3.The Assistant Commissioner of Police,
Anti Land Grabbing Cell, Trichy.

4.The Tahsildar,
Trichy Taluk Office (West),
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and
J.SATHYA NARAYANA PRASAD, J.

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