



W.P.(MD)No.22517 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

CORAM

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

W.P(MD)No.22517 of 2022

Raja

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Illuppur Revenue Division,
Illuppur,
Pudukkottai District.
- 4.The Thashildhar,
Ponnamaravathy,
Pudukkottai District.

5.Selvaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st Respondent to protect the Government grove lands in Survey No.264/1 and its extent of 7.12.5Hectrs., of Kariyampatty Hamlet, Karaiyur Village,



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Ponnamaravathy Taluk, Pudukkottai District based on the petitioner's representation dated 04.04.2022 within the stipulated time limit as fixed by this Honble Court.

For Petitioner : Mr.NA.Palaniyandi

For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

* * *

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 1st Respondent to protect the Government grove lands in Survey No.264/1, measuring an extent of 7.12.5 Hectares, Kariyampatty Hamlet, Karaiyur Village, Ponnamaravathy Taluk, Pudukkottai District, based on the petitioner's representation dated 04.04.2022, within a time frame.

2. Heard Mr.NA.Palaniyandi, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 5th respondent is dispensed with.

4. Pointing out that the 5th respondent and some other persons tried to fence the Government grove lands in Survey No.264/1, measuring an extent of 7.12.5 Hectares, Kariyampatty Hamlet, Karaiyur Village, Ponnamaravathy Taluk, Pudukkottai District, the petitioner submitted a representation to the 1st respondent on 22.07.2019, followed by representations dated 26.02.2021 and 04.04.2022, and the same, according to the learned counsel for the petitioner, are unattended.

5. Learned Government Pleader appearing for respondents 1 to 4 has produced the communication of the fourth respondent addressed to him and submitted that the 5th respondent owns 7.10.5 Hectares of grove land in S.No.264/1 in Kariyampatty Hamlet, Karaiyur Village, Ponnamaravathy Taluk, Pudukkottai District and there is a civil suit pending between the petitioner and the 5th respondent in O.S.No.77/2019 on the file of District Munsif Court, Thirumayam, and by order dated 20.08.2022, an Advocate



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Commissioner was appointed in I.A.No.2 of 2019 to survey and identify the property of the 5th respondent and the survey revealed that the 5th respondent is enjoying his own property only and he has not made any encroachment in the Government poramboke land in S.No.264/1, as claimed by the petitioner.

6. Since there is a civil suit pending between the parties in O.S.No.77 of 2019, on the file of the District Munsif Court, Thirumayam, pertaining to the claim made by the petitioner, wherein, it is found out that the 5th respondent has not encroached the Government grove, this Court finds no merit in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed, leaving it open to the parties to work out their remedy in the pending suit in O.S.No.77 of 2019. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.09.2022

Internet : Yes / No
Index : Yes / No
sj



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WEB COPY

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