



W.P(MD)No.23113 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

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

**W.P(MD)No.23113 of 2015
and
M.P(MD)No.1 of 2015**

A.Syed Basil Sameer

... Petitioner

VS.

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi.
- 4.Durairaj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to forbear the fourth respondent and other rival persons to encroach the common land situated in Survey Nos.819/1 and 881/4, Seithunganallur Village, Thoothukudi, consequently directing the respondents to maintain

1/5



W.P(MD)No.23113 of 2015

WEB COPY

the common land for the public usage by considering the petitioner's representation, dated 10.12.2015.

For Petitioner : Mr.N.Mohideen Basha
For R – 1 : Mr.P.Thilak Kumar
Government Pleader
For RR 2 & 3 : Mr.T.Senthil Kumar

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to forbear the fourth respondent and other rival persons to encroach the common land situated in Survey Nos.819/1 and 881/4, Seithunganallur Village, Thoothukudi and to direct the respondents to maintain the common land for the public usage by considering the petitioner's representation, dated 10.12.2015.

2. Since the fourth respondent and other persons are trying to encroach the common land and construct a compound wall in Survey Nos. 819/1 and 881/4, the petitioner submitted a representation, dated 10.12.2015, before the respondents 1 to 3 to prevent such encroachment, but no action was taken. Hence, this Writ Petition.

2/5



W.P(MD)No.23113 of 2015

WEB COPY

3. The learned Government Pleader appearing for the first respondent produced the proceedings of the Tahsildar in Na.Ka.No.A9/5167/2017, dated 14.09.2022 and submitted that there are no encroachments as pointed out by the petitioner.

4. Recording the said submission, this Writ Petition is closed granting liberty to the petitioner to approach the authorities, if the encroachment still exists. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
15.09.2022

Index : Yes / No
Internet : Yes
ps



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W.P(MD)No.23113 of 2015

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and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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15.09.2022