



W.P.(MD) No.17252 of 2018

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.10.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**AND**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD)No.17252 of 2018**

**and**

**W.M.P.(MD)No.16338, 15194 to 15196 of 2018**

S.P.Anthonisamy

... Petitioner

**-Vs-**

- 1.State of Tamil Nadu rep.  
by its District Collector,  
Thanjavur.
- 2.The Superintendent of Police,  
Thanjavur District.
- 3.The Commissioner,  
Thanjavur Municipal Corporation,  
Gandhiji Road, Thanjavur.
- 4.The Revenue Divisional Officer,  
Opp. to Manimandapam,  
Thanjavur.

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5.The Tahsildar,  
Taluk Office,  
Court Road, Thanjavur.

6.The Inspector of Police,  
East Police Station, Thanjavur.

7.The Branch Manager,  
State Bank of India,  
SME Branch,  
Thanjavur.

8.S.P.Selvaraj

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 6 herein to remove all the encroachments of the 8<sup>th</sup> respondent on public road comprised in S.Nos.65/2, 64, 63/1 and 57/2 in Ward No.5, Block 7, Thanjavur Town, restore the same including existing drainage course to public use as passage in the name of the respondents 1, 3 and 5.

For Petitioner : Mr.P.Vadivel

For R1, R4 & R5 : Mr.G.V.Vairam Santhosh

Additional Public Prosecutor

For R2 & R6 : Mr.T.Senthil Kumar,

Additional Public Prosecutor

For R3 : Mr.N.Dilip Kumar

For R7 : No Appearance

For R8 : Mr.T.Lajapathi Roy

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## **ORDER**

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

This Writ Petition has been filed, seeking a Writ of Mandamus to direct the respondents 1 to 6 to remove all the encroachments made by the 8<sup>th</sup> respondent on a public road comprised in S.Nos.65/2, 64, 63/1 and 57/2 in Ward No.5, Block 7, Thanjavur Town and to restore the same including existing drainage course, to public use as passage.

2.Today, when the matter was taken up for hearing, the learned Additional Government Pleader for the respondents 1, 4 and 5, on instructions, submitted that there are no encroachments as projected by the petitioner. There is a private dispute between the petitioner and his brother, for which, a Civil Suit in O.S.No.124 of 2019 is pending on the file of the Principal Sessions Court, Thanjavur.



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3.The said statement is not refuted by the learned counsel for the petitioner.

4.Recording the said submission, this Writ Petition is disposed of, granting liberty to the petitioner to agitate his rights in the pending Suit. No costs. Consequently, connected miscellaneous petitions are closed.

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

**26.10.2022**

Index : Yes / No

Internet : Yes / No

*Myr*

To

1.The District Collector,  
Thanjavur.

2.The Superintendent of Police,  
Thanjavur District.

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3.The Revenue Divisional Officer,  
Opp. to Manimandapam,  
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4.The Tahsildar,  
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5.The Inspector of Police,  
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**R.MAHADEVAN, J.**  
**AND**  
**J.SATHYA NARAYANA PRASAD, J.**

*Myr*

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