



WP No.3462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Elavarasan

.. Petitioner

-VS-

1. The District Collector,
O/o. The District Collector,
Ariyalur, Ariyalur District 621 704.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Udayarpallayam, Ariyalur District 621 804.
3. The Tahsildar,
O/o. The Tahsildar,
Andimadam, Ariyalur District 621 801.
4. M.Sankar
5. M.Kumar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to remove the encroachment made by the 4th and 5th respondents in Nattam Government land along with the common pathway in Survey No.379/10, Marudhur Village, Andimadam Taluk, Ariyalur District.



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For the Petitioner : Mr.R.Amardeep
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1 to 3
: Mr.R.S.Selvam for RR 4 and 5

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Amardeep, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondent Nos.1 to 3 and Mr.R.S.Selvam, learned counsel for respondent Nos.4 and 5.

2. The grievance of the petitioner is that encroachment is made by the 4th and 5th respondents in Natham Government land along with Government pathway in S.No.379/10, Marudhur Village, Andimadam Taluk, Ariyalur District.

3. The learned State Government Pleader has placed on record



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the communication received from Tahsildar to suggest that respondent Nos.4 and 5 have filed a civil suit bearing O.S.No.79 of 2021 seeking directions against the officials to issue patta in their name for the area admeasuring 00174 sq.m. and for injunction to avoid any disturbances to their possession. The said suit is pending before the District Munsif Court, Jayankondam. It is further submitted that no common pathway exists in S.No.379/10.

4. As respondent Nos.4 and 5 have already filed a civil suit and the matter is sub judice before the Civil Court, naturally the parties may take further steps pursuant to the decision that would be given by the Civil Court.

The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

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O/o. The District Collector,
Ariyalur, Ariyalur District 621 704.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
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