



WP No.23789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEAVALU

WP No.23789 of 2023

Vijayalakshmi

.. Petitioner

-VS-

1. The Commissioner,
Mettur Municipality,
Mettur Dam No.1, Mettur Taluk,
Salem District.

2. The Revenue Divisional Officer,
Mettur, Salem District.

3. The Tahsildar,
Mettur, Salem District.

4. Selvakumar

5. Suthanthira Vanitha @ Vanithamani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to remove the encroachment made by respondents 4 and 5 in the municipality pathway comprising in A block 59 T.S.No.73 situated at Mettur Dam No.1, Mettur Taluk, Salem District within time bound manner in view of direction issued by the 2nd respondent vide



WP No.23789 of 2023

proceedings in OM No.2956/2023/Uu dated 7.7.2023.

WEB COPY

For the Petitioner : Mr.K.Myilsamy
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for RR 1 to 3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3.

2. The learned counsel for the petitioner submits that there is an encroachment on the public pathway.

3. It is not disputed that the petitioner had filed a civil suit. The learned counsel submits that the civil suit is also decreed in favour of



WP No.23789 of 2023

the petitioner. The suit was for mandatory injunction, according to the learned counsel for the petitioner. The petitioner also filed execution proceedings for execution of the said decree.

4. In light of all the aforesaid facts, the present writ petition for the same purpose would not be tenable. The petitioner may prosecute the execution proceedings.

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

(S.V.G., CJ.)

(P.D.A., J.)

14.08.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The Commissioner,
Mettur Municipality, Mettur Dam No.1,
Mettur Taluk, Salem District.
2. The Revenue Divisional Officer,
Mettur, Salem District.
3. The Tahsildar,
Mettur, Salem District.



WEB COPY



WP No.23789 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEAVALU, J.

(sra)

WP No.23789 of 2023

14.08.2023