



W.P.No.545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.545 of 2022

K.Viswanathan

.. Petitioner

VS

1.The District Collector,
O/o. The District Collectorate,
Thirupathur,
Thirupathur District.

2.The Sub Collector,
O/o. The Sub Collector,
Thirupathur Taluk,
Thirupathur District.

3.The District Revenue Officer,
O/o. The District Revenue Officer,
Thirupathur Taluk,
Thirupathur District.

4.The Block Development Officer,
(Village Panchayat)
Panchayat Union,
Tirupattur Taluk,
Tirupattur District.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings vide Na.Ka.No.Aa2/1571/2019 dated 16.11.2021 passed by the third respondent and quash the same and consequently direct the respondents 3 and 4 not to evict the petitioner from his resident situated at Survey No.461/1, 461/17 and 461/18 situated at Karuppanur Village, Tirupattur Taluk and District.

For the Petitioner	: No appearance
For the Respondents	: Mrs.R.Anitha Spl. Government Pleader for respondents 1 to 3
	: Mr.P.Muthukumar State Government Pleader for respondent No.4

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

On 5.7.2023, adjournment was sought on behalf of the petitioner. The matter was adjourned to 9.8.2023. On 9.8.2023 also, adjournment was sought on behalf of the petitioner. The matter was adjourned to 12.9.2023. On 12.9.2023, adjournment was sought on



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behalf of the petitioner. The matter was adjourned to 16.11.2023.

2. Today when the matter is called out, none appears for the petitioner.

3. The counter-affidavit is filed by the second respondent.

4. As per the counter-affidavit of the second respondent, the petitioner is trying to occupy the pathway. The petitioner had filed a civil suit in O.S.No.409 of 2000 before the District Munsif Court, Tirupattur for permanent injunction in respect of Survey No.461/2. The said suit was decreed on 2.7.2007. An appeal was filed by the defendants therein. The said appeal was allowed under the judgment dated 25.3.2011 and the judgment and decree passed in favour of the petitioner dated 2.7.2007 was set aside. One Perumal had filed the civil suit in O.S.No.2 of 2002 before the District Munsif Court, Tirupattur against the petitioner and his father for permanent injunction and the said suit was decreed. The appeal suit, bearing No.80 of 2007, filed by the petitioner was dismissed by the appellate court on 25.3.2011. The petitioner had filed the second appeal and



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the same is pending. In W.P.No.40265 of 2016 and in W.P.No.218 of 2018 filed by one Venkatesan, this Court had directed to remove encroachments made by the present petitioner.

5. In view of the above, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.583 of 2022 is closed.

In view of the dismissal of the writ petition, W.M.P.No.4332 of 2023 filed by the applicant N.Venkatesan to implead him as party respondent is closed.

(S.V.G., C.J.)

(D.B.C., J.)

16.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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