



W.M.P.No.30105 of 2023

IN

W.M.P.No.20250 of 2023

IN

W.P.No.13088 of 2023

R. MAHADEVAN, J.

AND

R.N.MANJULA, J.

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

This miscellaneous petition is filed by the petitioner herein, who is the fourth respondent in the writ petition, seeking to clarify the order dated 26.07.2023 passed in WMP.No.20250 of 2023 in WP.No.13088 of 2023, in and by which, this court directed the respondent authorities to conduct survey of the land in S.No.293/10 situated in Velakapuram Village, Uthukottai Taluk, Thiruvallur District and thereafter, remove the encroachment, if any, in accordance with law, within the stipulated period. While so, it was categorically observed that such survey shall take place, after issuing notice to all the parties concerned, indicating the specific date for the same and also in the presence of the parties and thereafter, proceed further as per law.

2.Heard the learned counsel for the petitioner herein, who submitted that after passing of the order dated 26.07.2023, the petitioner sent a representation to the official respondents, requesting them, not to remove the construction in the land in S.No.293/5 and to conduct survey of the land in S.No.293/10 and enquiry on the usage of the lane by the owners of the land in S.Nos.293/5, 293/6, 293/7 and 298/8 at Velakapuram Village, Uthukottai Taluk, Thiruvallur District. It is



further stated that presently, the lane in S.No.293/10 is only 3 feet wide and the remaining 4 feet on the eastern side is encroached by the writ petitioner, who has put up a mud wall in the common pathway of the petitioner herein. Despite the same, the official respondents are continuing their actions in demolishing the house of the petitioner herein, which has been constructed in the patta land in S.No.293/5, under the guise of removing the encroachment in S.No.293/10. Further, the Tahsildar has issued a communication dated 19.09.2023 directing the petitioner to remove the alleged encroachment in S.No.293/10, without properly taking into consideration the order dated 26.07.2023 passed by this court in WMP.No.20250 of 2023 in WP No.13088 of 2023. Aggrieved by the same, the petitioner herein instituted a suit in O.S.No.100 of 2023 on the file of sub court, Thiruvallur, in which, clarification was sought for, as to whether leave has been granted for approaching the civil court in this regard. Therefore, this miscellaneous petition has been filed.

3.We have also heard the learned counsel appearing for the first respondent /writ petitioner and the learned Additional Government Pleader appearing for the respondent authorities.

4.At the outset, it is pertinent to point out that the order dated 26.07.2023 passed by this court in WMP.No.20250 of 2023 in WP.No.13088 of 2023, which is sought to be clarified herein, was itself an order clarifying the earlier order dated 24.05.2023 passed by this court in the main writ petition. Therefore, this court is of the opinion that clarificatory orders cannot be kept on passed eternally, more so, when no clarification as sought by the petitioner herein, is required.



5. In such view of the matter, this miscellaneous petition is liable to be dismissed and is accordingly, dismissed.

gya

[R.M.D., J.] [R.N.M., J.]

20.10.2023



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