



W.P.(MD) No.3387 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3387 of 2023

M.Rajagopal

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi Sub Division,
Pudukkottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.Ramakrishnan

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the 4th Respondent in survey No.275/13 and 275/14 in Ettithali Revenue Village, Aranthangi Taluk, Pudukkottai District, on the basis of the petitioner's representations dated 10.01.2023 and 10.02.2023.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.V.Nirmal Kumar (R1 to R3)
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to remove the encroachments made by the fourth respondent in Survey Nos.275/13 and 275/14 in Ettithali Revenue Village, Aranthangi Taluk, Pudukkottai District, on the basis of the petitioner's representations dated 10.01.2023 and 10.02.2023.



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2. Heard Mr.R.Shankar Ganesh, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents 1 to 3. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the 4th respondent has made encroachment in the property in question and in this regard, the petitioner made representations on 10.01.2023 and 10.02.2023. Since the same were not considered by the respondents, the petitioner has filed this Writ Petition.

5. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the Tahsildar has passed a final order in his proceedings in O.Mu.A3/1295/2023, dated 16.02.2023, wherein the parties were directed to not



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to close the public pathway forever without getting appropriate orders, failing which criminal action will be taken against the concerned persons and therefore, the prayer sought for by the petitioner has become infructuous.

6. In view of the aforesaid submissions and proceedings of the Tahsildar, dated 16.02.2023, we are of the view that the prayer sought for by the petitioner has become infructuous. Hence, this Writ Petition is dismissed. If the petitioner is aggrieved the order of the Tahsildar dated 16.02.2023, it is open to him to challenge the same in the manner known to law. No costs.

[D.K.K., J.] [L.V.G., J.]

21.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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