



W.P.(MD) No.5131 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.5131 of 2023

Murugeshwari

... Petitioner

-vs-

- 1.The District Collector
Tenkasi District
Tenkasi
- 2.The Assistant Director of
Rural Development (Panchayat)
Tenkasi
Tenkasi District
- 3.The District Revenue Officer
Tenkasi District
Tenkasi
- 4.The Project Director
District Rural Development Agency
Tenkasi District
Tenkasi
- 5.The Block Development Officer
Kadayanallur Union
Kadayanallur
Tenkasi District



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6.The Tahsildar
Kadayanallur Taluk
Tenkasi District

7.The President
Poigai Panchayat
Poigai
Kadayanallur Taluk
Tenkasi District

8.Subbulakshmi ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for records pertaining to the impugned order vide Na.Ka.No.Aa4/3733/2019, dated 23.11.2020, passed by the first respondent and quash the same as illegal and consequently direct the respondents 1 to 7 to remove the fences put up illegally by the eighth respondent on the road stretching east to west connecting the main panchayat road at Poigai, Kadayanallur Taluk, Tenkasi District.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.A.Baskaran
Addl. Government Pleader for R1 to R4 & R6
Mr.P.Thilakkumar
Government Pleader for R5 & R7



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ORDER

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[Order of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this writ petition is to the proceedings of the Block Development Officer, Kadayanallur, dated 23.11.2020.

2. The petitioner sought for removal of encroachment alleged to have been made by the eighth respondent over Survey No.110/5B, which, according to the petitioner, forms part of the road. The Block Development Officer, Kadayanallur, had, by the impugned proceedings, informed the District Collector, Tenkasi District, that the land in Survey No.110/5B is a Patta land and therefore, there is no encroachment over the road. It is also stated that a suit in O.S.No.215 of 2020 is pending on the file of the District Munsif Court, Tenkasi, regarding the same land. Hence, we do not see any reason to entertain this writ petition. The petitioner, being a party to the civil suit, is attempting to make the suit infructuous by resorting to this proceeding under Article 226 of the Constitution of India. Hence, the writ petition is dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

10.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Tenkasi.
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- 6.The Tahsildar,
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