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W.A.(MD) No.1079 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1079 of 2023

Bullet Backiyaraj.A.G.

... Appellant

-VS-

- 1.The District Collector
Trichy
- 2.The Revenue Divisional Officer
Collectorate Compound
Cantonment, Trichy
- 3.The Block Development Officer
Tiruverambur
- 4.The Thasildar
Tiruverambur Taluk Office
BHEL Post, Trichy
- 5.The President
Cholamadevi Village Panchayat
Cholamadevi Villabge, Navalpattu
Trichy District

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 02.12.2022, passed in W.P.(MD) No.27359 of 2022, on the file of this Court.

For Appellant : Mr.S.Vinod Sathya Lazaar

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R4

J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 02.12.2022, passed in W.P.(MD) No.27359 of 2022.

2. The appellant has not impleaded the alleged encroachers as party respondents. According to the appellant, there are encroachments in the public pathway leading to a burial ground.

3. However, from the records it is seen that the Local Body has actually asserted that there is no encroachment blocking the pathway.



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4. This Court is not inclined to go into the factual disputes in the absence of the alleged encroachers. Therefore, this writ appeal is dismissed, only on the ground of non-joinder of necessary parties, who are alleged to have blocked the pathway leading to the burial ground. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

17.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Trichy.
- 2.The Revenue Divisional Officer,
Collectorate Compound,
Cantonment, Trichy.
- 3.The Block Development Officer,
Tiruverambur.
- 4.The Thasildar,
Tiruverambur Taluk Office,
BHEL Post, Trichy.



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