



W.P.(MD) No.13400 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM:

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

W.P.(MD) No.13400 of 2023

R.Rajendran

... Petitioner

-VS-

1. The District Collector,
Trichy District, Trichy.
2. The Revenue Divisional Officer,
Lalgudi Taluk, Trichy District.
3. The Tahsildar,
Lalgudi Taluk, Trichy District.
4. Sumathi

... Respondents

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 encroachment



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mailed by the 4th respondent in the lake comprised in survey No.126/2B situated in Neikulam Village, Lalgudi Taluk, Trichy District by considering the petitioner's representation dated 01.05.2023.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3
Mr.B.Saravanan
Senior Counsel
for Mr.Kirubakaran for R4

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for respondents 1 to 3 and Mr.B.Saravanan, learned Senior Counsel, representing Mr.Kirubakaran, learned counsel, takes notice for the fourth respondent.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. Though the learned counsel for the petitioner would contend that the land in question, namely, Survey No.126/2B is a waterbody and has chosen to produce certain documents in support of his contentions, it is seen from the records of the earlier proceedings of this Court which has categorically held that the land in question has been classified as 'Ryotwari Punjai' and the same stands in the name of one Padmanaba Reddiar. A similar claim made by the petitioner in W.P.(MD) No.11157 of 2017 has been repelled by this Court on the above reasoning. Subsequently, another writ petition in W.P.(MD) No.8746 of 2018 filed by another individual has also been dismissed. In fact, the Division Bench while dismissing the writ petition in W.P.(MD) No.8746 of 2018 has given liberty to the petitioner therein to move appropriate civil court.

4. Mr.B.Saravanan, learned Senior Counsel appearing for the fourth respondent would submit that the fourth respondent has already initiated the civil proceedings against five private individuals who attempted to interfere with the possession of the fourth respondent.



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5. In view of the above factual circumstances, we do not see any reason to entertain the writ petition. Accordingly, the writ petition stands dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
PKN



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