



W.P.(MD)No.16942 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.16942 of 2023

A.Manokaran

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Revenue Divisional Officer,
Karur District,
Karur.

4.The Tahsildar,
Aravakurichi Taluk,
Karur District.

5.The Executive Officer,
Aravakurichi Town Panchayat,
Karur District.

6.A.Abirami

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment caused by the sixth respondent by constructing building and compound wall on the public road margin and obstructing the public pathway in S.No.1264/19B, Aravakurichi Village, Aravakurichi Taluk, Karur District, within a time frame fixed by this Honourable Court on the basis of the representation of the petitioner, dated 26.10.2022.

For Petitioner	:Mr.D.Kirubakaran
For R-1 to R-4	:Mr.J.Ashok, Additional Government Pleader
For R-5	:Mr.P.Thilak Kumar, Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.D.Kirubakaran, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for respondents 1 to 4 and Mr.P.Thilak Kumar, learned Government Pleader for the fifth respondent.

2. The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 5, to remove the encroachment caused by the sixth respondent by constructing a building and compound wall on the public road margin and obstructing the public pathway in S.No.1264/19B, Aravakurichi Village, Aravakurichi Taluk, Karur District,



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within a stipulated time on the basis of the petitioner's representation, dated

26.10.2022.

3. The learned Additional Government Pleader appearing for respondents 1 to 4, produced photographs to show that even in December, 2022, the encroached portion was removed and new structure has also been put up by the sixth respondent.

4. Though it is stated that in December, 2022, the encroached structure was pulled down, the petitioner has approached this Court without reference to the removal of encroachment in December 2022 and subsequent construction of new structure by the sixth respondent. Therefore, this writ petition is liable to be dismissed for suppression of substantial fact.

5. In view of the above, this writ petition is dismissed. However, liberty is given to the petitioner to approach the civil Court for appropriate relief. No Costs.

[S.S.S.R., J.] [D.B.C., J.]
13.07.2023

Index : Yes / No
NCC : Yes/No
PM



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