



WEB COPY



W.P.No.6044 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.6044 of 2024

and

W.M.P.No.6721 of 2024

T.Murthy

... Petitioner

Vs.

- 1 The District Collector,
Dharmapuri,
Dharmapuri District.
- 2 The Revenue Divisional Officer,
Arur,
Pappireddipatti Taluk,
Dharmapuri District 635301.
- 3 The Tahsildar,
Taluk Office,
Pappireddipatti Taluk,
Dharmapuri District 635301.
- 4 The Superintendent of Police,
Salem, Salem District.
- 5 The Inspector of Police,



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Pappireddipatti Police Station,
Pappireddipatti Taluk,
Salem District.

6 Sangeetha

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to order passed by the first respondent in his proceeding Na.Ka.No. 15254/2022/T3 dated 22.06.2023 and to quash the same and consequently to direct the respondents 1 to 3 to remove the unlawful Obstructions (thorn fencing Prosopis Juliflora) in public pathway in S.No.71/2, 68 at Sungarahali Village, Pappireddipatti Taluk.

For Petitioner	: Ms.D.Sahithya for Mr.M.Elango
For R1 to R3	: Mr.A.Selvendran Special Government Pleader
For R4 & R5	: Mr.S.Sugendran Additional Public Prosecutor

ORDER



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This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to order passed by the first respondent in his proceeding Na.Ka.No. 15254/2022/T3 dated 22.06.2023 and to quash the same and consequently to direct the respondents 1 to 3 to remove the unlawful Obstructions (thorn fencing Prosopis Juliflora) in public pathway in S.No.71/2, 68 at Sungarahali Village Pappireddipatti Taluk.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the official respondents 1 to 3 and the learned Additional Public Prosecutor appearing for the official respondents 4 and 5 and perused the materials available on record.

3. Since no adverse order is passed against the private respondent, notice to the private respondent/sixth respondent is dispensed with.

4. Since the respondents 4 and 5 are nothing to do with the subject



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matter of the writ petition, the Writ Petition is dismissed with regard to respondents 4 and 5 with costs.

5. Learned Junior Counsel who represents the learned counsel for the petitioner seeks short accommodation. This Court is not inclined to grant time.

6. On a perusal of the impugned order, it clearly shows that the petitioner has already filed a suit before the civil court as against the private respondent/R6. The petitioner has also made an application before the official respondents for removal of encroachment in the public pathway and water bodies, whereas it is seen from the impugned order, there is no such encroachment/obstruction as alleged by the petitioner. Since the petitioner has already filed a civil suit before the Civil Court as against the private respondent, the petitioner is at liberty to work out his remedy before the civil court in the manner known to law.



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7. With the abovesaid direction, the Writ Petition is disposed of insofar as the respondents R1 to R3 are concerned and there shall be no order as to costs. As already stated the writ petition is dismissed with costs with regard to the respondents 4 and 5. Consequently, connected miscellaneous petition is closed.

08.03.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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