



W.P(MD)No.15468 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.15468 of 2013

S.A.Muniyasamy

... Petitioner

VS.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 4.The Panchayat President,
Pappanam Panchayat,
Kamuthi Taluk,
Ramanathapuram District.

5.Ponraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the fifth respondent in the

1/6



W.P(MD)No.15468 of 2013

WEB COPY road situate in S.No.403/8, Pappanam Village, Kamuthi Taluk, Ramanathapuram District within the time stipulated by this Court.

For Petitioner : Mr.R.Sreenivasan
For Respondent Nos.1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent Nos.4 & 5 : No appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 herein to remove the encroachment made by the fifth respondent in the road situate in S.No.403/8, Pappanam Village, Kamuthi Taluk, Ramanathapuram District within the time stipulated by this Court.

2.The grievance of the petitioner is that though he made a representation to the respondents 1 to 4 as early as on 24.06.2013, seeking to remove the encroachment made by the fifth respondent in a public road, the same has not been considered. Hence, he has filed the present Writ Petition.



W.P(MD)No.15468 of 2013

WEB COPY

3.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the property in question ie., Survey No.403/8 is classified as 'நத்தம் மனை' and further submitted that claiming title to the said land, the fifth respondent has filed a suit in O.S.No.04 of 2013 on the file of the Principal District Munsif Court, Kamuthi, as against the defendants, who are the respondents 1 to 4 herein, for declaration and permanent injunction and obtained a decree in his favour. Aggrieved over the same, the Panchayat President-fourth respondent has filed an appeal suit in A.S.No.52 of 2014 on the file of the Sub Court, Paramakudi and the same is dismissed.

4.The learned counsel appearing for the petitioner would submit that challenging the dismissal of the appeal suit, the fourth respondent has preferred an appeal in S.A(MD)No.440 of 2016 on the file of this Court and the same is pending.

5.It is the contention of the petitioner that the property in question is classified as a street. But the said contention has not been established by the petitioner by placing the relevant materials before this Court.



W.P(MD)No.15468 of 2013

WEB COPY

6.In the light of the above, we find no merit in the Writ Petition and the same deserves to be dismissed. Accordingly, the Writ Petition is dismissed. However, we make it clear that if the decree has been granted as against the fifth respondent, it is open to the petitioner to approach the authority concerned and work out his remedy in the manner known to law. No costs.

[D.K.K.,J.] [R.V.,J.]
24.01.2024

NCC : Yes / No
Index : Yes / No
ps



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and
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ORDER MADE IN
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