



W.P(MD)No.9131 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

W.P(MD)No.9131 of 2018

Selvaraj

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Karur Taluk,
Karur.

3.Pappathi

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus 2nd Respondent to remove the encroachment made by the 3rd respondent on the pathway in S.No.1623/2D at Goundampalayam East, Puliyoor Village, Karur



W.P(MD)No.9131 of 2018

Taluk, Karur District in the light of the letter, O.Mu.Aa1/600/2017,
dated 08.05.2017 and representation dated 19.03.2018.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.T.Amjad Khan – for R1 & R2

Government Advocate

Mr.M.P.Senthil – for R3

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The dispute is about the alleged encroachment made by the third respondent on the pathway in survey No.1623/2D at Goundampalayam East.

2. According to the learned counsel for petitioner, the width of the pathway is 10 feet and the encroachment is made by respondent No.3 on the said pathway.

3. The learned counsel for the respondent No.3 submits that the pathway is 5 feet in width and the same has been determined by the civil Court in a suit filed by the petitioner himself.



W.P(MD)No.9131 of 2018

4. According to the learned Government Advocate, the land in Survey No.1623/2D is a patta land owned by a private person.

5. It appears to be a case of disputed questions of fact. It also appears that there is a decree of a civil Court. The parties are bound by the decree of the civil Court. If the decree of the Civil Court is violated, the parties have right to execute the same.

6. With these observations, the Writ Petition stands disposed of. No costs.

[S.V.G., C.J.]

[G.I., J.]

26.02.2024

Index : Yes / No
Neutral Citation : Yes / No
RM



W.P(MD)No.9131 of 2018

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W.P(MD)No.9131 of 2018

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and
G.ILANGO VAN, J.

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W.P(MD)No.9131 of 2018

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