



WP(MD). No.18266 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26/02/2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE G.ILANGO VAN

**WP(MD). No.18266 of 2017
and WMP(MD) No.14716 of 2017**

Thiruppathi Raja,

... Petitioner

Vs

**1. The District Collector,,
Virudhunagar District,
Virudhunagar.**

**2. The Tahsildar,
Sivakasi Taluk, Sivakasi,
Virudhunagar District..**

**3. The Block Development Officer,
Sivakasi Panchayat Union, Sivakasi,
Virudhunagar District..**

**4. The Inspector of Police,
Thiruthangal Circle,
Virudhunagar District..**

5. Pandiarajan

6. Packialakshmi

... Respondents

1/6



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PRAYER :-Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents No.1 to 3 to remove the encroachment put up by the respondents No.5 and 6 in Old Survey No.536/1, New Survey No.1258/11, Muthalamman Kovil Street, Erichanatham Village, Panchayat, Sivakasi Taluk, Virudhunagar District based on the petitioners representation dated 18.09.2017 within a stipulated period as fixed by this Court.

For Petitioner : M/s.S.M.Anantha Murugan

For Respondents : Mr.T.Amjad Khan for R1toR3
Government Advocate
Mr.E.Antony Sahaya Prabakar for R4
Additional Public Prosecutor
Mr.G.Mohankumar for R5 & R6

ORDER

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

The prayer is made in the writ petition to decide the representation and further seeking directions to remove the encroachments put up by the respondents 5 and 6 in Old S.No.536/1, New S.No.1258/11, Muthalamman Koil Street, Erichanatham Village Panchayat, Sivakasi Taluk, Virudhunagar District.



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2. Heard the learned Advocate for the petitioner, learned Government Advocate for the respondents 1 to 3, learned Additional Public Prosecutor for the respondent No.4 and the learned counsel for the respondents 5 and 6.

3. According to the learned counsel for the petitioner, the said survey number is classified as pathway and the respondents 5 and 6 have encroached upon the pathway.

4. The learned counsel for the respondents 5 and 6 submits that civil suit is filed by the respondents 5 and 6 bearing Suit No.80/2017. The same was decreed exparte. The Government filed an appeal and the appeal was allowed and the matter was remanded back to the trial Court. The suit is pending consideration of the learned trial Judge.

5. It is submitted that private persons have filed application for impleadment as defendants including the petitioner's relatives and the same is allowed.



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6. According to the learned Government Advocate, the land in question is a grama natham land. In view of the decree that was passed earlier, removal of encroachment proceedings could not take place. Depending upon the judgment to be delivered in the civil suit, further steps would be taken.

7. It is submitted that the matter is subjudiced before the civil Court. The parties may cooperate for expeditious disposal of the civil suit. Depending upon the judgment to be delivered in the civil suit, further steps may be taken by the parties.

8. The writ petition is accordingly disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[G.I., J.]

26.02.2024

NCC : Yes/No

Index : Yes/No

RR



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G.ILANGOVA, J.

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