



W.P.(MD) No.5469 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.5469 of 2025

and

W.M.P.(MD)No.3996 of 2025

Marimuthu

... Petitioner

-Vs-

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul Revenue Division,
Dindigul District.

3.The Tahsildar,
Dindigul West Taluk, Dindigul District.

4.The Commissioner,
Reddiarchatram Panchayat Union,
Dindigul District.

5.The President,
Ponnimandurai Panchayat,
Reddiarchatram Panchayat Union,
Dindigul District.

6.K.Moorthi

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent vide Na.Ka.No.1618/2024/A3, dated 07.01.2025 and quash the same as not void and thereby, directing the 3rd respondent to complete the eviction proceedings initiated by the 3rd respondent in S.Nos.890/1 and 890/16 in Rayarpatti in Sindalagundu Revenue Village in Ponnimandurai Panchayat in Reddiarchatram Panchayat Union in Dindigul District within a time frame.

For Petitioner : Mr.F.X.Eugene
For R1 to R5 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that the 6th respondent encroached the public pathway and poramboke property in S.Nos.890/1 and 890/16 situated at Rayarpatti, Sindalagundu Revenue Village, Ponnimandurai Panchayat, Reddiarchatram Panchayat Union, Dindigul District. Therefore, the petitioner made representations dated 27.03.2023 and 31.07.2023 before the official



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respondents. Since the same had not been considered, the petitioner has filed

W.P.(MD)No.30208 of 2023, seeking removal of the aforesaid encroachment.

However, the petitioner had not impleaded the encroacher as one of the party respondents. Therefore, preserving all the rights and contentions of the petitioner, this Court, vide order dated 19.12.2023, disposed of the said Writ Petition with liberty to file a fresh Writ Petition. Pursuant to the same, by arraying the encroacher as a party respondent the petitioner has filed another W.P.(MD)No.1747 of 2024, which was disposed of by this Court, vide order dated 30.01.2024, directing the 3rd respondent to consider the representation of the petitioner.

3.Pursuant to the said direction, the 3rd respondent has passed an order dated 07.01.2025, stating that the 6th respondent has already filed W.P.(MD)No.1784 of 2024 and a civil Suit in O.S.No.275 of 2024 before the District Munsif Court, Dindigul and he undertook that he will abide by the directions to be issued in the pending cases. Therefore, the request of the petitioner cannot be considered at this length of time. The said order is under challenge in this Writ Petition.



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4.From the above facts and on perusal of the impugned order, this Court is of the view that the 3rd respondent has rightly passed the impugned order and therefore, we are not inclined to interfere with the same. The parties shall agitate their rights in the pending suit. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
28.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

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