



W.P.(MD)No.7815 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.7815 of 2025

S.Jeevanantham

...Petitioner

-Vs-

1.The District Collector,
Madurai,
Collectorate, Madurai.

2.The Revenue Divisional Officer,
Madurai,
Collectorate, Madurai.

3.The Tahsildar,
North Taluk Office,
Madurai North Zone,
Madurai.

4.The Executive Officer,
Paravai Special Municipality,
Paravai Municipality Office,
Paravai, Madurai.

5.The Deputy Inspector of Survey (Surveyor),
Madurai North Taluk,
Madurai.

6.Nethaji

...Respondents



W.P.(MD)No.7815 of 2025

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 herein to take necessary action to remove the encroachments made by the 6th respondent in the Kumaran Street having breadth measuring 2.6 meter North, 3.6 meter South and Length measuring 15.4 meter East-West and situated at old S.No. 70/2, S.No.201/1, S.No.201/8 in Paravai 1st Bit Village, present Ward No. 6, Old Ward No.1, Paravai Municipality, Madurai North Taluk, Madurai District.

For Petitioner : Mr.M.Rajaraman
For R1 to R3 & R5 : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by **S.SRIMATHY, J.**)

Heard the learned counsel for the petitioner, learned Additional Government Pleader for the official respondents. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth and sixth respondents is dispensed with.

2.By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.7815 of 2025

3.This writ petition is filed seeking to remove the encroachments made in the petition mentioned property.

4.The learned Additional Government Pleader appearing for the first respondent submits that earlier, the petitioner filed a writ petition in W.P. (MD)No.2086 of 2020 seeking to remove the encroachment. This Court by an order dated 23.04.2021 directed the Executive Officer to remove the encroachment made by the sixth respondent herein. He further submits that since the petition mentioned property is the subject property of the civil proceedings, the respondents were not able to remove the encroachment.

5.Admittedly, with regard to the subject property, a civil suit is pending. Hence, this Court is not inclined to invoke its jurisdiction under Article 226 of the Constitution of India. Accordingly, this writ petition is dismissed. If at all the petitioner is aggrieved, it is for the petitioner to implead himself in the said suit or to initiate fresh suit to redress his grievance. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
21.03.2025

Index : Yes/No
Internet : Yes/No
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