



W.M.P.(MD)No.7884 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2025

CORAM

THE HON'BLE MRS.JUSTICE **J.NISHA BANU**
and
THE HON'BLE MR.JUSTICE **R.VIJAYAKUMAR**

W.M.P.(MD)No.7884 of 2023
in
REV.APLW(MD)SRNo.23916 of 2023
and
REV.APLW(MD)SRNo. 23916 of 2023

TR.Neethipathi ... Petitioner in both cases

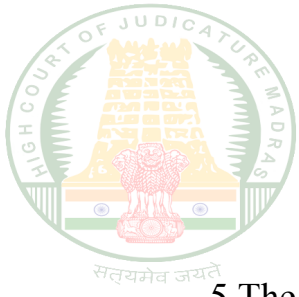
-vs-

1.Sri Meenakshi Sundareshwarar Nagara Sivankoil,
A.Thekkur, Represented by its Trustee,
Thanikachalam,
Sivagangai District.

2.The District Collector,
Collectorate,
Sivagangai District.

3.The District Revenue Officer,
Sivagangai District.

4.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.



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5.The President,
A.Thekkur Village Panchayat,
Thiruppathur Taluk,
Sivagangai District.

... Respondents in both cases

Prayer: This Miscellaneous Petition is filed under Article 226 of Constitution of India to grant leave to the petitioner to file this review petition as against the impugned order in W.P.(MD)No.26690 of 2022, dated 05.12.2022.

Prayer: This Review Application is filed under Section 114 and Order 47 Rule 1 CPC to review the order passed by this Court in W.P.(MD)No. 26690 of 2022, dated 05.12.2022.

For Petitioner :Mr.A.Muruganandam

For R2, R3 and R4:Mr.J.Ashok
Additional Government Pleader



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ORDER

J. NISHA BANU, J,
and
R.VIJAYAKUMAR, J.

This petition has been filed by one T.R.Neethipathi, who is a third party to the Writ Petition in W.P.(MD)No.26690 of 2022.

2.In W.P.(MD)No.26690 of 2022, this Court, by order, dated 05.12.2022, has passed the following order:

“5. Considering the facts and circumstances of the case and also considering the fact that this Court, in a catena of decisions, has held that encroachment on the water body is liable to be removed, we direct the respondents to remove the encroachment in S.No.218 i.e., water body, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Insofar as the second limb of the prayer for restoring the name of Sri Meenakshi Sundareswarar Nagara Sivan Kovil in revenue records in respect of S.No.212/16 is concerned, we are not inclined to express any view or opinion and it is for the third respondent to take appropriate decision on the same.”

3.Heard the learned Counsel Counsel on either side and perused the materials placed before this Court.



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4.A reading of the grounds raised in this Petition, It is seen that this Court has given a direction to the official respondents to remove the encroachments in the water body by following due process of law and the petitioner herein is always at liberty to approach the official respondents in respect of the grievances raised by them. Without exhausting the said exercise, the petitioner has straightaway approached this Court to review the order passed in the Writ Petition. Hence, this Court is not inclined to entertain this petition.

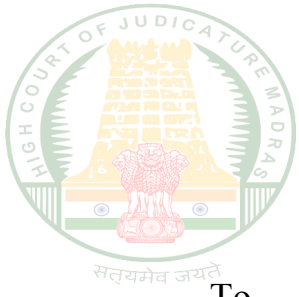
5.In view of the above, this Court is not inclined entertain this Petition. Accordingly, this petition is dismissed. No costs. Consequently, REV.APLW(MD)SRNo.23916 of 2023 is rejected at SR stage itself.

(J.N.B., J.) (R.V, J.)
03.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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