

W.M.P.(MD)No.17186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.17186 of 2024
in
REV.APLW(MD)SRNo.53501 of 2024
and
REV.APLW(MD)SRNo.53501 of 2024

1.S.Ramu
2.Vijaya Nirmala
3.Amutha

... Petitioners in both cases

-VS-

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

2.The Tahsildar,
Vadipatti Taluk, Madurai District.

3.The Divisional Engineer,
Construction and Maintenance (Highways) Department,
Madurai – 2.

4.The Assistant Divisional Engineer,
Construction and Maintenance (Highways) Department,
Madurai District.



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5.The Head Surveyor,
Vadipatti Taluka,
Vadipatti, Madurai District.

6.S.Maranattan

... Respondents in both cases

Prayer : This Miscellaneous Petition is filed under Section 5 of the Limitation Act, to implead the above named Review Petitioners in W.P. (MD)No.26663 of 2022 for filing this Review Application taken on merits unless the Review Petitioners will be seriously caused prejudiced.

Prayer: This Review Application is filed under Section 114 to review the order passed by this Court in W.P.(MD)No.26663 of 2022, dated 20.03.2024.

For Petitioners	:Mr.M.Jothiramalingam
For R1 to R5	:Mr.S.S.Madhavan
	Government Advocate

ORDER

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

This petition has been filed by the petitioners herein, who are third parties to the Writ Petition in W.P(MD)No.26663 of 2022.



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2.In W.P.(MD)No.26663 of 2022, this Court, by order, dated 20.03.2024, has passed the following order:

“3. In view of the above, the third respondent is directed to serve notice to the encroachers in the aforesaid place in question and thereafter, take necessary action for removal of encroachments, by following due process of law after providing opportunity to the encroachers concerned. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. With the above direction, this writ petition stands disposed of. No Costs. ”

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

4.A reading of the grounds raised in this Petition, it is seen that the petitioners have not stated anything that behind their back, the Writ Petition has been filed and in their absence, this Court has passed the aforesaid order. It is also seen that this Court has only given a direction to the official respondents to take action to remove the encroachments by following due process of law after providing opportunity to the encroachers concerned and the petitioners herein are always at liberty to approach the official respondents in this regard. Without exhausting the



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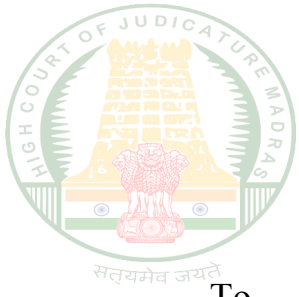
said exercise, the petitioners have straightaway approached this Court to review the order passed in the Writ Petition. Hence, this Court is not inclined to entertain this petition.

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.53501 of 2024 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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