



W.P(MD)No.23059 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.23059 of 2019

R.Mookkan

... Petitioner

vs.

1. The District Collector,
Theni District.

2. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

3. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

4. The Executive Officer,
Chinnaovulapuram,
Theni District.

5. Dharmangathan

6. Selvan

7. Kasirajan

8. Siva

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 8 and others, in the northern street, measuring 6 Cents comprised in S.No.34/2 in Chinna Ovulapuram Village in Uthamapalayam Taluk, Theni District, after cancelling the wrong patta given to them to the said street, by disposing the petitioner's representation dated 11/02/2019.

For Petitioner : Mr.R.Suriyanarayanan
For R1 to R4 : Mr.S.Shaji Bino, Special Government Pleader
For R5 to R8 : Mr.P.Santhosh Kumar

ORDER

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

The very prayer in the writ petition states that for the lands comprised in Survey No.34/2, at Chinna Ovulapuram Village, Uthamapalayam Taluk, Theni District, patta has been granted in favour of the respondents 5 to 8. If that be so, we fail to understand as to how the petitioner herein can claim that the respondents 5 to 8 have encroached upon the said land. We also find from the records that the suit filed by the petitioner in O.S.No.229 of 2009, seeking for declaratory relief is claimed to have been rejected.



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2. Since this is not a case of encroachment, no effective orders can be passed to the prayer sought for in the writ petition.

3. Accordingly, the Writ Petition stands dismissed. No costs.

(M.S.R, J.) (A.D.M.C, J.)
23.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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and
A.D.MARIA CLETE, J.

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ORDER MADE IN
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