

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).9182/2010

(From the judgement and order dated 10/11/2009 in SA No. 500/
2009 of The HIGH COURT OF MADRAS)

C.ASOKAN

Petitioner(s)

VERSUS

GOPALAKRISHNAN

Respondent(s)

(With prayer for interim relief)

Date: 05/04/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
 HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. B.Balaji,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

We find no reason to entertain the petition under
Article 136 of the Constitution of India. Special leave
petition is dismissed.

It is contended that the direction by the High
Court that the Collector should take steps to remove the
encroachment by the defendant-petitioner is not warranted
while dismissing the Second Appeal filed by the
plaintiff-respondent. But that direction, by itself, is
not sufficient to entertain the matter. It is open to
the petitioner-defendant to make out that there is no

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ITEM NO.24

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DATED 5/4/2010

...contd.

encroachment if and when any action is taken by the
District Collector in pursuance of the
observation/direction of the High Court. In fact, the

High Court has used the words "take proper steps for removal of encroachment alleged to have been made by the defendant". Therefore, the finding that there is an encroachment is tentative and it is still open to the petitioner to establish before the District Collector that he has not encroached upon any public pathway.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master