



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD).No.14749 of 2015

Mrs.Tharunyaa

:Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Thoothukudi.

3.P.Anantha Krishnan

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation, dated 03.08.2015 within the time frame that may be stipulated by this Court.

For Petitioner :Mr.S.Muthalraj

For R-1 & R-2 :Mr.S.Kumar,

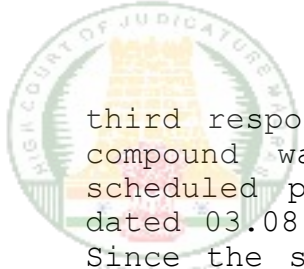
Additional Government

Pleader

O R D E R

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation, dated 03.08.2015, within a stipulated time.

2.The case of the petitioner is that the petitioner purchased the property comprised in Survey No.54/1 at Mullakadu Village, Patta No.9, Thoothukudi, Joint Sub-Registrar No.1, Thoothukudi Registration District, Thoothukudi, punja Hectare 1.70.5 acres 4 cents 21. The said property was purchased by the petitioner by way of a registered sale deed, dated 23.06.2006 under document No.1847/2006 from one Mr.Chidambaram for valuable consideration. After purchase, the petitioner is in possession and enjoyment of the said property by constructing a godown with an extent of 54000 sq. ft. and the petitioner has also got patta No.2373 in respect of the subject property. Further, the existing main pathway is being used as ingress and egress from Tiruchendur Main road to the petitioner's property. While so, the



third respondent encroached the above pathway and constructed a lengthy compound wall and thereby prevented the petitioner from using the scheduled property. Hence, the petitioner has made a representation, dated 03.08.2015 to the respondents 1 and 2 to remove the compound wall. Since the said representation was not considered so far, the Petitioner has come forward with this Writ Petition for the above stated relief.

3. But, this Court finds that even according to the petitioner, the third respondent by encroaching the private land has constructed the compound wall. Therefore, it is purely a civil dispute between the petitioner and the third respondent. Therefore, the prayer sought for by the petitioner in this Writ petition cannot be granted under Article 226 of the Constitution of India. Hence, this Writ Petition is liable to be dismissed.

In the result, the Writ Petition is dismissed. No Costs. However, the petitioner is at liberty to approach the civil Court for appropriate relief.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector, Thoothukudi District, Thoothukudi.
- 2.The Tahsildar,Taluk Office, Thoothukudi.
- 1CC to The Special Government Pleader SR.No.47147.

W.P. (MD) .No.14749 of 2015
17.08.2015

2P/4C

AM/NGM.SS/SAR-II/31.08.2015.