



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2015

CORAM

WEB COPY

THE HONOURABLE Mr.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE Mr.JUSTICE V.S.RAVI

W.P. (MD) No.16116 of 2015

Gopalasamy

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatty.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

4.Rajendran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to remove the encroachment made by the fourth respondent in SF.No.184 of Silarpatty Village, Peraiyur Taluk, Madurai District at one.

For Petitioner ... Mr.P.Ganapathi Subramanian

For R1 to R3 ... Mr.M.Alagathavan

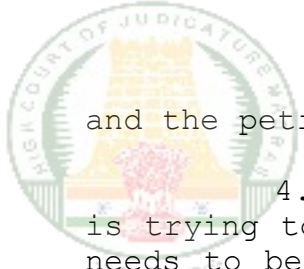
Special Government Pleader

O R D E R

The petitioner has come up with this Public Interest Litigation alleging that the fourth respondent has encroached the small portion of the Odai Poramboke Land comprised in S.F.No.184, at Silarpatty Village, Peraiyur Taluk, Madurai District.

2.We have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and we have not ordered notice to the fourth respondent.

3. The learned counsel for the petitioner by referring to the averments in the affidavit would submit that the fourth respondent has got the land on the side of the property comprised in S.F.No.184, which is an Odai poramboke land and the fourth respondent has encroached upon a portion of the said land. The petitioner has also got a land adjacent to the Odai Poramboke. According to the learned counsel for the petitioner, while the petitioner was enjoying the patta land, the fourth respondent has encroached upon a small portion of the land comprised in S.F.No.184



and the petitioner wants to remove the encroachment.

4. The narration of the facts would reveal that the petitioner is trying to settle his personal score. It is not every encroachment that needs to be removed by the Government. The Government has got power even to allow the encroachers to enjoy the property by issuing 'B' memo if it is unobjectionable. If the petitioner feels that his personal interest or right in any manner is affected, he can work out his remedy by approaching the civil court as the dispute is purely civil in nature. Thus, we do not find any reason to issue any direction.

5. In the result, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To,

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatty.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+1CC to Mr.P.Ganapathi Subramanian Advocate Sr.No.51992

+1CC to Spl.Government Pleader Sr.No.52120

GJM/DP-JGB-16.9.15-2P-6C

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