

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 1495 of 2016  
and  
WMP No.1275 of 2016

I.Fasal Hussain Petitioner

vs.

1 The Superintendent of Police  
Cuddalore.

2 The Municipal Commissioner  
Panruti Municipality Panruti

3 The Inspector of Police  
Panruti Police Station Panruti

4 S.Pandian  
S/o.Sundaram No.9/4 Sappani Chetty Street  
Panruti Cuddalore District-607 106.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second respondent to dispose of the representation of the petitioner dated 8.10.2015 regarding the illegal construction in the property having Door No.14 Sappani Chetty Street Panruti Cuddalore District-607 106 made by the fourth respondent within a stipulated period.

For petitioner : Mr. K. Shahul Hameed

For respondents : Mrs. A. Srijayanthi  
Spl. Govt. Pleader - R1 & R3

Mr. P.V. Selvakumar - R2

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

<https://hcservices.ecourts.gov.in/hcservices/> Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents 1 and 3. Mr. P.V. Selvakumar, learned counsel, accepts notice for the second

respondent. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned counsel for the official respondents, the writ petition is taken up for final disposal.

2. By this writ petition, the petitioner seeks a writ of mandamus directing the second respondent to consider and pass orders on his representation dated 08 October 2015 regarding the illegal construction in the property having Door No.14 Sappani Chetty Street, Panruti, Cuddalore District-607 106 owned by the petitioner and allegedly made by the fourth respondent within a stipulated period.

3. On a perusal of the aforestated representation, it is manifest that the dispute between the petitioner and the fourth respondent is purely private in nature. The allegation of encroachment on the private property by a private person is a disputed question of fact and thus, the writ petition is not maintainable and the same is dismissed accordingly. Consequently, WMP No. 1275 of 2016 is dismissed. No costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Superintendent of Police  
Cuddalore.
- 2 The Municipal Commissioner  
Panruti Municipality Panruti
- 3 The Inspector of Police  
Panruti Police Station Panruti

+1 cc to Government Pleader, sr.4249

+1 cc to Mr.K.Shahul Hameed, Advocate, sr.3615

W.P. No.1495 of 2016

sv co

kra 08.02.2016