

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.10367 of 2013

Manikandan ... Petitioner

vs.

1. The Executive Officer
Somayanpalayam Panchayat
Thadagan P.O.
Coimbatore - 641 108.

2. The President
Nalvar Nagar Welfare Association
Kalveerampalayam
Bharathiyar University
Coimbatore - 641 046.

3. Dharmalingam ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing respondents 1 and 2 to remove the house constructions and other construction at the site demarked as park area in L P/R(CPN) No.42/85.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.K.Karthikeyan
for 1st respondent
Mr.L.Mouli
for 3rd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner alleges encroachment in the park by the third respondent, who denies it. The stand of the first respondent, as per proceedings dated 15.11.2016, is that there is no encroachment in the area allotted for public purposes.

2. The learned counsel for the petitioner still insists that the authorities are also wrong and there is an encroachment in the public park.

3. In view of the factual nature of the controversy, which cannot be reconciled without adducing evidence, we relegate the petitioner to the remedy of a civil suit, if so advised.

The petition is dismissed with the aforesaid liberty. No costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Executive Officer
Somayanpalayam Panchayat
Thadagan P.O.
Coimbatore - 641 108.

2. The President
Nalvar Nagar Welfare Association
Kalveerampalayam
Bharathiyar University
Coimbatore - 641 046.

+1cc to Mr.L. Mouli, Advocate, S.R.No.65798
+1cc to the Government Pleader, S.R.No.65963

mv(CO)
md(24/11/2016)

W.P.No.10367 of 2013