



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P(MD)No.571 of 2014

MURALEEDHARAN

.. Petitioner

Vs.

1 THE DISTRICT COLLECTOR
PUDUKKOTTAI DIST.

2 THE TAHSILDAR
KULATHOOR TALUK
PUDUKKOTTAI DIST.

3 NALLIAH S/O MARUTHIAH @ MARUTHIAN POONGUDY
VELLANOOR POST
KULATHOOR TALUK
PUDUKOTTAI DIST.

4 ULAGANATHAN

5 BASKARAN

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 & 2 to consider the petitioner's representation dated 03.09.2012 to remove the encroachment made by the respondents 3 4 and 5 in S.Nos. 200/1A 200/1B and S.No. 199 of Poongudy Vellanoor Revenue Village Kulathoor Taluk Pudukottai District.

For Petitioner

: Mr.N.Balakrishnan

For Respondents

: Mr.T.R.Janarthanam

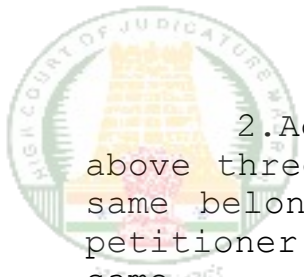
Addl. Government Pleader for R1 & R2

Mr.S.Muthuvel for R3

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner has come up with this public interest litigation alleging that the respondents 3 to 5 have encroached upon the property comprised in S.No.200/1A, 200/1B and 199 at Poongudy Village, Vellanoor Taluk, Kulathoor Taluk, Pudukottai District.



2. According to the petitioner, these lands comprised in the above three survey numbers have been classified as "Vari" and the same belongs to the Government. It is the further case of the petitioner that the respondents 3 to 5 have encroached upon the same.

3. Referring to the affidavit filed in support of the petition, the learned counsel for the petitioner would pray for a direction to the respondents 1 and 2 to remove the said alleged encroachment.

4. We have heard the learned Additional Government Pleader for the respondents 1 and 2.

5. According to the learned Additional Government Pleader that the dispute is private between the petitioner and the respondents 3 to 5 and therefore, the respondents 1 and 2 have not taken any action.

6. There has been no appearance for the respondents 4 and 5 either in person or they have not made appearance before this Court through a counsel.

7. We have considered the above submissions and we have also perused the records carefully.

8. It is seen from records filed by the petitioner, by way of typed set, there was a civil suit filed in O.S.No.111/2002 on the file of the District Munsif cum Judicial Magistrate, Keeranur, by the respondents 3 to 5, wherein, they contended that the properties comprised in S.No.200/1A, 1B belong to them and the rest of the same comprised in S.No.199, 'Vari' is situated. They have further contended that the petitioner herein, who was the 1st defendant along with the other defendants, are trying to disturb the 'Vari'. It is seen that the said suit was dismissed and the appeal filed by the respondents 3 to 5 was also dismissed, on the ground that they had not come forward with clean hands.

9. A perusal of the records would go to show that there is no controversy over the fact that the respondents 3 to 5 are the absolute owner of the lands comprised in S.Nos.200/1A, 1B. Suppressing the fact, the petitioner has come up with this public interest litigation, as though these properties also poramboke land, over which, the respondents 3 to 5 encroached upon.

10. It is seen that the petitioner has not come forward with clean hands and the writ petition, which is filed under the guise of public interest, is only to settle his personal score, because of the civil litigation. Therefore, the petitioner is not entitled for the relief sought for. Accordingly, this petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1 THE DISTRICT COLLECTOR
PUDUKKOTTAI DIST.

2 THE TAHSILDAR
KULATHOOR TALUK
PUDUKKOTTAI DIST.

+1cc to M/s.Special Govt.Pleader SR.No. 57795

RR

JA-SKS-RR-13.10.2016-3P:4C

ORDER MADE IN
W.P (MD) No.571 of 2014
29.09.2016