



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11717 of 2016

J.Gayatri

.. Petitioner

vs.

The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus forbearing the respondent from putting up any construction in the ingress and egress of the petitioner's property in S.No.D8/179, measuring 236 sq. feets, situated at Pathavilai, Agastheeswaram Taluk, Nagercoil, Kanyakumari District.

For Petitioner :Mrs.P.Krishnaveni

For Respondents :Mr.P.Athimoolapandian

ORDER

The petitioner Mrs.J.Gayatri claiming to be the owner of the shop situated in S.No.D8/179, measuring 236 sq. fts, situated at Pathavilai, Agastheeswaram Taluk, Nagercoil, Kanyakumari District, has made a representation before the respondent on 03.06.2016, to dispose of the same, forbearing the authorities from putting up any construction in the ingress and egress of the petitioner's shop. The same is said to be still pending. Hence, the petitioner has come to this Court.

2. But, this Court is not inclined to entertain this Writ Petition to give any such direction as prayed for by the petitioner, in view of the strong objection raised by the respondent municipality before this Court that the petitioner is an encroacher. When there is a civil dispute, no writ can be issued.

3. In view of the same, the Writ Petition stands dismissed with liberty to the petitioner to work out her remedy in the manner known to law by approaching the civil Court. No Costs.

Sd/-

Assistant Registrar(Record)

/True copy/



To
The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

+1cc to M/s.P.Krishnaveni, Advocate Sr.No.34996

sm:KBM:15.07.2016:2P/3C

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