



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.11.2016**

CORAM:

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

AND

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

W.P.[MD].No.11791 of 2016

C.S.Kanjana Mala

: Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai East Taluk,
Madurai.

4.The Commissioner,
Madurai Municipal Corporation,
Madurai.

5.C.R.Janarthanan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unlawful construction and encroachment made by the fifth respondent in S.F.No.125/2C measuring about 45 cent of Vanidiyur 2nd Bit Village, Madurai East Taluk, Madurai District at once.

For Petitioner : Mr.P.Ganapathi Subramanian

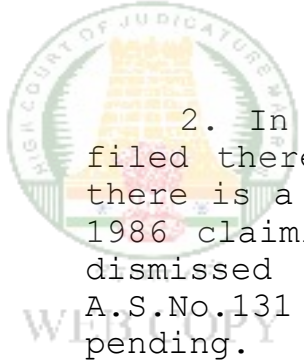
For Respondents 1to3 : Mr.T.R.Janarthanan,
Additional Government Pleader

For Respondent No.4 : Mr.R.Murali

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner claims that the property comprised in Survey No.125/2C is a road formed by the Trustees of a Trust known as "Chithu Mandaga Padi Charitable Trust". Now, according to the petitioner, the fifth respondent, who is one of the Trustees, has encroached upon the said land and constructed a building. Therefore, she has come up with this Writ Petition seeking appropriate relief.



2. In the affidavit filed by the petitioner and the documents filed therewith, it is seen that in respect of the said property, there is a civil suit filed by the fifth respondent in O.S.No.359 of 1986 claiming exclusive right for the said property. The suit was dismissed and the appeal filed by him was also dismissed in A.S.No.131 of 1990. It is not known whether any second appeal is pending.

3. In our considered view, if at all the petitioner could claim any relief, it can be done only before the Civil Court in accordance with the decree in the above civil proceedings. In our considered view, this Writ Petition before this Court is not only misconceived but an attempt to waste the time of this Court. The Writ Petition is, therefore, dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai East Taluk,
Madurai.

+1 cc to Mr.P.Ganapathi Subramanian,Advocate, Sr.No:70086
+1 cc to M/S Special Government Pleader, Sr No.70249

Order made in
W.P. [MD] .No.11791 of 2016
Dated: 17.11.2016

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