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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2016

CORAM :

THE HONOURABLE MR. JUSTICE V. RAMASUBRAMANIAN

and

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

Writ Petition (MD) No.1508 of 2016

and

W.M.P (MD) No.1273 of 2016

V.C.Vaithyalingam

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalkudi,
Ramanathapuram District.

3.K.Gopal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent No.1 to 2 to forbear the respondent No.3 from putting up unauthorized construction in survey No.179/1B8 to an extent of 3.0 Ares situated at No.42, Sayalkudi Village, Kadaladi Taluk, Ramanathapuram District.

For Petitioner : Mr.T.Lajapathi Roy

For 1st Respondent : Mr.C.Selvaraj,
Special Government Pleader.

For 2nd Respondent : Mr.T.S.Mohamed Mohideen

ORDER

(Order of the Court was made by **V. RAMASUBRAMANIAN, J.**)

The petitioner has a dispute with regard to title to a small piece of land of an extent of about 1½ cents with his brother from whom the third respondent has purchased the property. Since it is a title dispute, the petitioner should actually go to the normal Civil Court.

2.Finding that going to the Civil Court is laborious and involves costs in the form of court fee, the petitioner has come
<https://hcservices.ecourts.gov.in/hcservices/> to file writ petition on the specious plea that without obtaining building plan approval the third respondent is trying to put up construction.



3.Private disputes cannot be camouflaged into such dispute. The petitioner can always move an interlocutory application with the same prayer with which he has come up with this writ petition in the civil suit to be instituted regarding title.

4.With the above observation, the writ petition is dismissed. No costs. W.M.P(MD)No.1273 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Executive Officer,
Sayalkudi Town Panchayat,
Sayalkudi, Ramanathapuram District.

+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.4416

+1cc to Mr.T.Lajapathi Roy,Advocate Sr.No.4611

+1cc to Spl.GOvernemnt Pleader Sr.No. 4533

sms

AA/GSV-AN/08.02.2016/2p-6c

Writ Petition (MD) No.1508 of 2016
and

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