



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.1691 of 2016

and

W.M.P (MD) No.1448 of 2016

Christian Endeavour Primary
and High School rep by its
President/Managing Director,
M.James,Vannarapet,
Puthur, Trichy 17.

... Petitioner

Vs.

1.The Commissioner,
Corporation of Trichy,
Trichy,
Trichy District.

2.The Chief Educational Officer,
O/o.Chief Education Office,
Trichy,
Trichy District.

3.The Inspector of Police,
Government Hospital Police Station,
Puthur, Trichy,
Trichy District.

4.R.Padma

5.Mala Salvanathan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to forbear the 4th and 5th respondent from putting up or continuing with any construction in the property in S.No. 52 Puthur Village Trichy Corporation limit Trichy and to remove the encroachment in S.No.52 more fully covered in sale deed dated 15.10.1998 vide document No.3319 of 1998.

For Petitioner

: Mr.N.R.Balaji

For Respondents 1-3

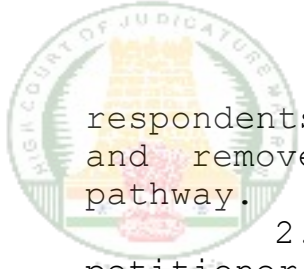
: Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner has come up with the above writ petition seeking a mandamus to direct the first respondent to forbear the



respondents 4 and 5 from putting up any construction in a passage and remove the encroachments allegedly made by them on the pathway.

2. Heard Mr.N.R.Balaji, learned counsel for the petitioner.

3. The dispute is a pure and simple civil dispute between the petitioner and the respondents 4 and 5. Therefore, the appropriate remedy for the petitioner is only to go before the normal Civil Court. The Writ Court cannot be converted into a Civil Court to settle private disputes on the specious plea of encroachments in a pathway especially when the pathway is not a public road vesting with the local body of the highways. Therefore, the writ petition is dismissed. No costs. Consequently, W.M.P(MD) No.1448 of 2016 is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Trichy,
Trichy,
Trichy District.

2. The Chief Educational Officer,
O/o. Chief Education Office,
Trichy,
Trichy District.

3. The Inspector of Police,
Government Hospital Police Station,
Puthur, Trichy,
Trichy District.

+One cc to The Special Government Pleader, SR.nO.4959

sms

RL/5C/AAL/MPA/9/2/2016

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and

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