



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.09.2016**

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD].No.18333 of 2016
and
W.M.P. (MD)No.13201 of 2016

P.Jeyaraj : Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.Murugavel : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents particularly, the second respondent to consider the representation of the petitioner dated 29.03.2016 and subsequent reminders dated 05.04.2016 and 07.05.2016 submitted for removing the encroachment made by the third respondent in the place left out for recreation of park and other common purpose in Survey No.683/1, 2 in the approved layout of Rajkamal Nagar, Ward No.16, Santhinagar South, Palayamkottai, Tirunelveli District on merits and in accordance with law and dispose of the same, within a time frame as fixed by this Court forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents 1&2 : Mr.Aayiram K.Selvakumar,
Government Advocate

**O R D E R***********

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

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The petitioner is the owner of the plot No.1 of Rajkamal Nagar. He alleged that the third respondent has put up an illegal construction by encroaching the land allotted for the children's playground and park.

2. We have heard the learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Government Advocate, taking notice on behalf of the first and second respondents. We have also perused the documents filed by the petitioner.

3. In the representation, he has not alleged that what is the plot allotted for the children's playground and park and what is the encroachment made. He has not also averred in his affidavit. But, he has made a representation by stating that the third respondent has encroached upon the land in question and put up construction.

4. When the matter was taken up for hearing, the leaned Government Advocate stated that there is a dispute between the petitioner and the third respondent and the third respondent has constructed a house in his land.

5. In view of the above said facts, we find that it is purely a civil dispute between the petitioner and the third respondent and there is no public interest involved at all in this matter. Therefore, the Writ Petition is dismissed by giving liberty to the petitioner to work out his remedy before the Civil Court. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

sml

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

+1CC to Mr.S.Palanivelayutham, Advocate Sr.No.56183

+1CC to Mr.Aayiram K.Selvakumar, Advocate Sr.No.55315

GJM/SKS/RR/18.10.16-3p-5C

Order made in
W.P. [MD].No.18333 of 2016
Dated: 23.09.2016