



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.11.2016

CORAM:

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

and

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

W.P (MD) No.22213 of 2016

K.CHINNAMUTHU S/O.KRISHNAN
SOUTH ST. UMAIYATHALAIVANPATTI
THIRUVENGADAM TK TIRUNELVELI DT.

.. Petitioner

Vs.

1 THE DISTRICT COLLECTOR
TIRUNELVELI DT. TIRUNELVELI

2 THE PRESIDENT
UMAIYATHALAIVANPATTI PANCHAYAT
UMAIYATHALAIVANPATTI THIRUVENGADAM TK
TIRUNELVELI DT.

3 THE TAHSILDAR
THIRUVENGADAM TK TIRUNELVELI DT.

4 SEETHALAKSHMI
W/O.PERIYA SAKKARAI THEVAR
UMAIYATHALAIVANPATTI THIRUVENGADAM
THIRUVENGADAM TK TIRUNELVELI DT.

5 RAMAR
S/O. MUTHAIAH THEVAR UMAIYATHALAIVANPATTI
THIRUVENGADAM THIRUVENGADAM TK
TIRUNELVELI DT.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to stop the encroachments in 00202 hectares in S.No. 1318151 and 00085 hectares in natham S.No. 1318/52 in Vellakulam revenue village Umaiyathalaivanpatti Panchayat in Thiruvengadam Taluk in Tirunelveli District by any encroachachers including the respondents 4 and 5 within a time frame by disposing the petitioners mens representations dated 10.06.2016.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.S.Chandrasekar
Government Advocate

**ORDER**

(Order of the Court was made by S.NAGAMUTHU, J.)

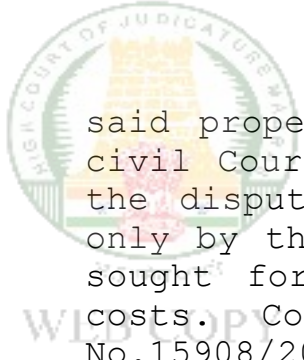
This litigation has been filed by the petitioner under the guise of public interest litigation alleging that the respondents 4 and 5 have encroached upon the Natham land comprised in S.No.1318151 and 00085 hectares at Vellakulam Revenue Village, Umaiyathalaivanpatti Panchayat in Thiruvengadam Taluk, Tirunelveli District. According to the petitioner, these lands are Government poramboke lands.

2. A perusal of the records would go to show that earlier, one Subramanian filed a civil suit in O.S.No.89/2013 on the file of the Additional District Munsif Court, Sankarankoil, against the 4th respondent and another suit in O.S.No.90/2013 on the file of the Additional District Munsif Court, Sankarankoil filed by one Iyyasamy against the 4th respondent alleging that these lands belong to the plaintiffs therein. These suits were filed for injunction to restrain the 4th respondent from interfering with their peaceful possession and enjoyment of the suit properties. In that, they have stated that the properties are the private lands of the plaintiffs.

3. The learned counsel for the petitioner would submit that the plaintiffs therein are the people belonging to the group of the petitioner. The suits were later on withdrawn for no reasons whatsoever. One of the suits has been filed for declaration of title also. Thereafter, a writ petition was filed before this Court in W.P.(MD) No.16919/2013, in that, a Division Bench of this Court left it open for the authorities to consider the matter as per the provisions in G.O.Ms.540, Revenue ID6(2) Department, dated 04.12.2014. However, no direction whatsoever was given. It appears that the Tahsildar issued notice to the respondents 4 and 5 thereafter, alleging that the property is a poramboke land. Since no further action has been taken, the petitioner has again come up with this writ petition.

4. We have heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and we have also perused the records carefully.

5. Even now, it is not explained to the Court as to why two civil suits filed were withdrawn, wherein, the suit property sought to be declared to be private lands. It appears that there is some dispute between these parties in respect of the said lands and that is the reason why, the petitioner has approached this Court. We find no public interest at all involved in this petition. ~~Filed by the petitioner~~ and this petition is filed only to settle their personal score in respect of the dispute regarding the above



said properties. The dispute is to be resolved only before the civil Court. Since we do not find any public interest and since the dispute is purely civil in nature, which is to be resolved only by the civil Court, we are not inclined to grant the relief sought for. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition in WMP No.15908/2016 is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

RR

To

- 1 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT,
TIRUNELVELI
- 2 THE PRESIDENT
UMAIYATHALAIVANPATTI PANCHAYAT
UMAIYATHALAIVANPATTI
THIRUVENGADAM TALUK
TIRUNELVELI DISTRICT
- 3 THE TAHSILDAR
THIRUVENGADAM TALUK,
TIRUNELVELI DISTRICT

+1cc to Mr.F.X.Eugene Advocate Sr.No. 71299

+1cc to Spl.Government Pleader Sr.No. 71102

JAM/16.12.16/KM/3P-6C

ORDER MADE IN
W.P(MD)No.22213 of 2016
and WMP No.15908/2016
21.11.2016