



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2016

CORAM:

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

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN****W.P. [MD] .No.22779 of 2016****and****W.M.P. (MD) No.16295 of 2016**

U.Muthupandi

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
Collectorate Compound,
Tirunelveli.

3.The Tahsildar,
Tirunelveli Taluk,
Collectorate Compound,
Tirunelveli.

4.The Commissioner/Special Officer,
Tirunelveli Municipal Corporation,
Tirunelveli.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, restraining the respondents from interfering in the peaceful possession and enjoyment of the property in Door No.40/3A, Saalai Street, Vannarpettai, Tirunelveli situated in TS.No.70 part in TS Ward No.6, Block 1 to an extent of 2949.36 Sq.ft. (6.76 Cents) within the limits of Tirunelveli City Municipal Corporation without due process of law.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents 1to3 : Mr.T.R.Janarthanan,
Additional Government PleaderFor Respondent No.4 : Mr.Aayiram K.Selvakumar,
Government Advocate

**O R D E R**

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

The petitioner claims to be the owner of the property comprised in TS.No.70 Part in TS Ward No.6, Block 1, measuring 2949.36 Square Feet. He further states that there is a building on the same bearing Door No.40/3A. It is stated that the respondents are trying to demolish the building alleging that the petitioner has encroached upon the land belonging to the Government. With the said allegation, the petitioner has come up with this Writ Petition seeking a Mandamus to forbear the respondents from interfering with his peaceful possession and enjoyment of the said property.

2. It is seen from the records that seeking permanent injunction, the petitioner has already filed a suit in O.S.No.370 of 2016 on the file of the learned District Munsif, Tirunelveli, in which, the District Collector is the party. The petitioner could not succeed in getting an order of injunction against the first respondent herein. Therefore, we have got reasons to believe that the petitioner has come up with this Writ Petition to achieve what he could not achieve before the Civil Court. Since the dispute is purely civil in nature, the petitioner can work out his remedy before the Civil Court. The Writ Petition is, therefore, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
 - 2.The Revenue Divisional Officer,
Tirunelveli, Collectorate Compound, Tirunelveli.
 - 3.The Tahsildar,
Tirunelveli Taluk, Collectorate Compound, Tirunelveli.
 - 4.The Commissioner/Special Officer,
Tirunelveli Municipal Corporation, Tirunelveli.
- +1 cc to M/s.Aayiram K.Selvakumar, Advocate in SR.No. 72615
+1 cc to M/s.Ananth C.Rajesh, Advocate in SR.No. 73310
SML
CSL/PV/20.12.2016: 2P/7C

Order made in
W.P. [MD].No.22779 of 2016
Dated: **25.11.2016**