



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.12.2016

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.23205 of 2016

A.Vadukannan @ Lasar

... Petitioner

vs.

The Superintendent of Police,
Virudhunagar District,
Office of the Superintendent of Police,
Virudhunagar.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to initiate action against the persons mentioned in the complaint, dated 02.11.2016 given by the petitioner.

For Petitioner : Mr.M.Ashok Kumar

For Respondent : Mr.K.P.Krishna Doss

Government Advocate (Crl. Side)

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to initiate action against the persons mentioned in the complaint of the petitioner, dated 02.11.2016. It is the case of the petitioner that he is in possession and enjoyment of the properties in Survey Nos.1622/2 and 1624/4, to an extent of 67 cents at Watrap Sub Division, Srivilliputhur Taluk at Virudhunagar District. The learned Principal District Munsif, Srivilliputhur, has granted a decree of permanent injunction in favour of the petitioner in O.S.No.112 of 2010. While so, he has been dis-possessed and his properties were also damaged by the Tahsildar, Srivilliputhur, Virudhunagar District, along with police officials. So, he made a representation to the respondent, dated 02.11.2016, since no action was taken, he has come up with the present writ petition.

2. Heard Mr.M.Ashok Kumar, learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the materials available on record.

3. The learned Government Advocate on instructions, would submit that the petitioner is an encroacher and based on the order passed by the District Collector, Virudhunagar District, in his proceedings in Na.Ka.No.38106/2015, dated 04.02.2015, the officials have removed the encroachment. So he is not entitled for any relief by way of invoking the writ jurisdiction. It is further submitted by the learned Government Advocate that after removal of



the encroachment, handed over the land to the Education Department for construction of school building.

4. From the records it is seen that the properties in Survey Nos.1622/2 and 1624/4 are not patta land. Even in the affidavit, he has not stated about the status of the property. Further, the petitioner claims right, only based on his possession. The case of the respondent is that the petitioner is an encroacher and as per the order of the District Collector, he has been removed from the encroachment area.

5. Considering the above submission, this Court is of the opinion that the petitioner is not entitled for any relief in this petition. Hence, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Superintendent of Police, Virudhunagar District,
Office of the Superintendent of Police,
Virudhunagar.

+1cc to M/s.M.Ashokkumar, Advocate in SR.78570
+1cc to the Special Government Pleader, in SR.78131

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pjl

PBK/SS-3/SAR-I 02/12/2016 ::2P-4C:(IT)