



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24860 of 2016

Chinnasamy

.. Petitioner

Vs.

1.The District Collector,
Dindigul, Dindigul District.

2.The Revenue Divisional Officer,
Dindigul, Dindigul District.

3.The Tahsildar,
Vedasandur Taluk Officer,
Vedasandur, Dindigul District.

4.Perumal Gounder

5.Kaliyappan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1 to 3 respondents herein to remove the encroachment made by the 4th and 5th respondents herein in the petitioner's patta lands with regard to lands in Survey No.383/3, 383/4 ad 396/3C2 is having 19.50 ares situated at Palayam Village, Vedasandur Taluk, Dindigul District on the basis of the petitioner's representation dated 01.04.2016.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents 1 to 3 : Mr.M.Govindan,
Special Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 to 3 to remove encroachments alleged to have been made by the remaining respondents in the patta lands of the petitioner comprised in Survey Nos.383/3, 383/4 and 396/3C2 in Palayam Village, Vedasandur Taluk, Dindigul District, by way of issuing a writ of mandamus.



2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the petition, notice need not be sent to the respondents 4 and 5.

3.It is seen from the records that the petitioner has come forward with the present petition for the removal of encroachment alleged to have been made by the respondents 4 and 5 in his patta lands. Since the lands mentioned in the petition are nothing, but patta lands of the petitioner, the petitioner can work out his remedy only way of instituting a civil suit and therefore the present writ petition is not legally maintainable and the same is liable to be dismissed.

4.In fine, this writ petition is dismissed without costs. However the petitioner is at liberty to institute a civil suit to redress his grievance.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Dindigul, Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 3.The Tahsildar,
Vedasandur Taluk Officer,
Vedasandur, Dindigul District.

+One cc to M/s.G.Gomathi Shankar, Advocate, RS.No.83622
+One cc to The Special Government Pleader, SR.No.83571

smn

RL/6C/2P/SKN/MM/11.1.2017

ORDER MADE IN
W.P (MD) No.24860 of 2016

23.12.2016