



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P(MD) No.7858 of 2014
and
M.P. (MD) No.1 of 2014

P.Mariyaselvi

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai.

2. A.Lilly Mary

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 13.03.2014.

For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.K.R.Singaravadivel for
J.Gunaseelan Muthiah, for R1
Mr.S.Manoharan for R2

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioner filed this writ petition for issuance of a writ of Mandamus directing the Commissioner, Madurai Corporation to consider her representation and remove the encroachment stated to have been put up by the second respondent.

2.The affidavit filed in support of the writ petition is bereft of particulars. The affidavit proceeds as if the second respondent has put up a building after obtaining permission. According to the petitioner, even if permission is granted, still the second respondent was not correct in encroaching a portion of the land. The dispute is purely personal in nature. There is no question of issuing a Mandamus to the first respondent to remove the encroachment stated to have been caused by the second respondent. It is always open to the petitioner to file a civil suit.



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3.The writ petition is disposed of with the above observation.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.J.GUNASEELAN MUTHIAH, ADVOCATE IN SR No. 67849

ARUL

TE/SKN-RSK/SAR-III : 08/08/2017 : 2P/2C

order made in
W.P(MD)No.7858 of 2014 and
M.P.(MD) No.1 of 2014
26.07.2017