

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 28.07.2017****CORAM :**

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

W.P(MD)No.13983 of 2017

N.Manoharan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.

3.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.

4.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

5.D.Chandrasekaran

6.D.Ganaanbu

7.D.Chellammal

8.Ganamuthu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate steps to remove the encroachment in the land comprised in Sur.No.99/12-3 bearing Patta No.564 made by the respondent Nos.5 to 8 on the basis of the representation dated 07.07.2017 and further direct the respondent Nos.1 to 3 to assess the land within a stipulated time period.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.M.Govindan, Spl.GP for
RR1 to 4**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed for directing the respondents to take appropriate steps to remove the encroachments in the land comprised in Survey No.99/12-3.



2.The allegation of the writ petitioner is that respondents 5 to 8 committed the said encroachment. The writ petitioner had already moved the authorities by giving representation dated 07 July 2017. Since no action was taken, the writ petition has been filed.

3.When the matter was taken up for hearing, we repeatedly questioned the counsel for the writ petitioner to demonstrate the public character of the land in question. Even according to the writ petitioner, the subject land is a patta land. Only if the land in question is a public land such as street or kanmoi, it is possible for this Court to issue direction for removal of the encroachments found therein. If the land in question is a patta land, the matter will have to resolved elsewhere. The jurisdiction under Article 226 of the Constitution of India is not available for such cases. We find no merit in this writ petition.

4.Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registra

To

- 1.The District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.
- 3.The Tahsildar,
Aruppukkottai Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.69360

SKM/ARUL
JS/GT/SAR.3/17.08.2017/ 2P-6C

W.P (MD) No.13983 of 2017
28.07.2017