

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 29.08.2017****CORAM :****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.15178 of 2017**

Ayilliam Nadar

... Petitioner

Vs.

1.The Special Officer,
Painkulam Village Panchayat,
Painkulam Post,
Kanyakumari District.

2.Lekshmi

3.Raju @ Thenkaraj

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent herein to remove the unauthorized constructions put up by the respondents 2 and 3 in Resurvey No.93/13 of Painkulam Village.

For Petitioner : Mr.V.M.Balamoham Thampi

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader for R1

Mr.K.N.Thampi for R2 & R3

O R D E R**(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petition has been filed for removing the unauthorized constructions stated to have been put up by the respondents 2 and 3 in R.S.No.93/13 of Painkulam Village.

2.Upon hearing the learned counsel on either side, it can be seen that there is a civil dispute pending between the parties. In fact, the dispute dates way back to the year 1972. It is seen that S.A.No.107/2009 was filed. In this background, the public law remedy cannot be allowed to be utilised by one party to the civil proceedings for achieving their collateral purposes. Remedy under Article 226 of the Constitution of India being discretionary



in nature, in this case, we are not inclined to exercise the same in favour of the writ petitioner. The writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

The Special Officer,
Painkulam Village Panchayat, Painkulam Post,
Kanyakumari District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 75758
+1cc to Mr.V.M.BALA MOHAN THAMPI Advocate in SR. No. 75699
+1cc to Mr.K.N.THAMPI Advocate in SR. No. 75269

SKM/ARUL

JS/MR.KKR/SAR.4/18.09.2017/2P-5C

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