

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.12.2018

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.23894 of 2018

K.Subramaniam

Petitioner

Vs

- 1 The District Collector
Tiruppur Tiruppur District
- 2 The Revenue Divisional Officer
Tiruppur Tiruppur District
- 3 The Tahsildar
Tiruppur Taluk Tiruppur District
- 4 Ammasai Gounder

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct respondents 1 to 3 to remove the encroachment in 'Cart Track' in S.F.No.225, Naduvacherry Village, Avinashi Taluk, Tiruppur District by considering villagers representation dated 7.11.2016.

For petitioner : Mr.S.Vinothkumar

For RR1 to 3 : Mr.M.Karthikeyan,
Additional Government Pleader

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Mr.K.Subramaniam, Son of Karuppa Gounder, has filed this writ petition under Article 226 of the Constitution of India as a PIL seeking removal of encroachment in the 'Cart Track' in S.F.No.225, Naduvacherry Village, Avinashi Taluk, Tiruppur District.

2. The petitioner himself has produced a copy of the Plaint and the Written Statement in Civil Suit viz., O.S.No.212 of 2016 filed by Respondent No.4 Ammasi Gounder in the District Munsif Court of Avinashi against some of the Residents of that area who

are arrayed as Defendants viz., Subramaniam (Petitioner herein), Senniappan, another Senniappan, Sivanathan and Rajendran.

3. Upon issuance of notice, the Government has put in appearance and the learned Additional Government Pleader submits that as far as Survey No.225 is concerned, around which the dispute revolves, it belongs to Respondent No.4 Ammasi Gounder, who is the Plaintiff in the aforesaid suit.

4. In view of the fact that the lis in question, as per Government records, belongs to Respondent No.4 and a Civil Suit is pending in the Civil Court between Respondent No.4 and the present writ petitioner, we are not inclined to entertain this writ petition as a PIL and therefore, we close the Writ Petition with a liberty to the petitioner to participate in the Trial and seek for his remedy in the said Civil Suit. If necessary, he can seek for the records from the Government Authority concerned viz., Tahsildar, before the Trial Court for deciding the rights over the land in question.

5. With the above observation, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The District Collector
Tiruppur Tiruppur District
- 2 The Revenue Divisional Officer
Tiruppur Tiruppur District
- 3 The Tahsildar
Tiruppur Taluk Tiruppur District

+1 CC to Mr.S.Vinothkumar, Advocate sr 86414.
+1 CC to Govt. Pleader sr 87409.

W.P.No.23894 of 2018

SP(08/01/2019)