

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

WRIT APPEAL No.827 of 2017

Judgment: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

We have heard the learned counsel for the appellant.

2. The Writ Petition from which this appeal arises was instituted alleging that the 4th respondent has encroached on to part of a public road. The 3rd respondent filed counter-affidavit stating that there is no such encroachment. That counter-affidavit was taken note of by the learned Single Judge and the Writ Petition was dismissed leaving the appellant-writ petitioner liberty to seek remedies and if there is any private right, it has to be ventilated in proper jurisdiction.

3. We notice that the writ Court cannot adjudicate on the appellant's plea before us. But, as a matter of fact, it is the public property which has been encroached upon while putting up an arch. Learned counsel for the appellant states that there is no permission to put up a gated colony. The 3rd respondent-Village Executive Officer having said that there is no encroachment on to the public land, we do not find any premise for the Writ Appellate Court to adjudicate on any such issue.

4. For the aforesaid reasons, the Writ Appeal fails and the same is, accordingly, dismissed.

Pending miscellaneous petitions, if any, shall also stand closed.

No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V. RAMASUBRAMANIAN, J

Date: 3rd August, 2018

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