

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.8996 of 2019

and

W.M.P.Nos.9552 & 9553 of 2019

T.P.Gopalakrishnan

...Petitioner

Vs.

1. The District Collector,
District Collectorate,
Tiruchengode Road,
Namakkal - 637 003.
2. The Regional Divisional Officer,
Taluk Office,
Tiruchengode,
Namakkal District - 637 211.
3. The Tahsildar,
Taluk Office,
NH-44, Padamudipalayam,
Paramathi Velur,
Namakkal District - 638 182.
4. The Superintendent of Police,
District Police Head Quarters,
Tiruchengode Road,
Namakkal District - 637 003.
5. The Inspector of Police,
Nallur,
Namakkal District - 637 203.
6. Kuppusamy
7. Shamugam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to forthwith the removal of fence and all sort of obstructions such as bore well, coconut sapling, crops

etc., which are illegally erected or planted to emphasize that there is no such pathway as specified in O.S.No.159/2008 judgment pending disposal of the above writ petition.

For Petitioner : Mr.T.P.Gopalakrishnan,
Party-In-Person

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate
for R1 to R5

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents 1 to 5. Since this writ petition is being disposed of without affecting the interest of the respondents 6 & 7, notice to the said respondents is dispensed with.

2. The petitioner seeks for a Mandamus, directing the respondents to forthwith remove the fence and all sort of obstructions such as bore well, coconut sapling, crops etc., which are illegally erected or planted to emphasize that there is no such pathway as specified in O.S.No.159/2008.

3. The petitioner, as a Party-in-Person, has appeared and argued the case.

4. I heard the petitioner and perused the materials placed before this Court.

5. It is seen that the petitioner and the private respondents 6 and 7 are having a dispute with regard to the property, which according to the petitioner is a pathway. It is also seen that the 6th respondent and one Pavayee as the plaintiffs, filed a Civil Suit in O.S.No.159 of 2008 on the file of the District Munsif Court, Paramathy against the petitioner's father for declaration of injunction and the said suit was partly decreed on 22.12.2016. The petitioner sought to contend that the private respondents are trying to take more advantage than the relief granted in the said suit and therefore, the interest of the petitioner has to be protected by this Court.

6. I do not think that the petitioner is well advised to approach this Court and file the present writ petition, especially, when the dispute between the parties is purely civil in nature, that too, resulted in passing a decree as stated supra, by a competent Civil Court. If the petitioner is having any grievance against the action of the respondents 6 and 7, it

is for him to work out his remedy before the competent Civil Court by filing appropriate proceedings and not by filing the present writ petition, as has been done in this case. The petitioner as a party-in-person, has categorically stated that he is not having any grievance against the respondents 1 to 5 and on the other hand, it is his grievance that those officials respondents are not protecting the interest of the petitioner in respect of the pathway, as already stated supra.

7. Since the private dispute between the petitioner and the respondents 6 and 7 has to be worked out before the competent Civil Court, this writ petition is disposed of, by granting such liberty to the petitioner, without expressing any view on the merits of the contention raised in this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gsi/mk

To

1. The District Collector,
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Namakkal - 637 003.
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Namakkal District - 637 003.

5. The Inspector of Police,
Nallur,
Namakkal District - 637 203.

+1cc to Mr.T.P.Gopalakrishnan, Advocate, S.R.No.30195
+1cc to the Government Pleader, S.R.No.31589

W.P.No.8996 of 2019

GP(CO)
CS/02/05/2019



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