

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM

THE Honourable DR.JUSTICE VINEET KOTHARI,
ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.29046 of 2019

and

W.M.P.Nos.28825 & 28826 of 2019

C.Ashwin

Petitioner

Versus

1. The Block Development Officer,
Marakkanam, Villupuram District.
2. The Executive Officer,
Marakkanam Town Panchayat,
Marakkanam, Villupuram District.
3. The Special Officer,
Anumanthai Village,
Panchayat Office, Anumanthai.
4. The Tahsildar,
Marakkanam Taluk,
Villupuram District.

5. Damodaran

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st and 2nd Respondents to pull down the illegal structure put up by the 5th Respondent in the property belonging to Petitioner in S.No.345/2 Part, measuring about 6 Acres 88.5 cents, Anumanthai Village, Anumanthai Panchayat, Marakkanam Taluk, Villupuram District.

For petitioner : Mr.J.Kalidas

For R1 to R4 : Mr.V.Jayaprakash Narayanan,
Government Pleader

ORDER

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

The Petitioner C.Ashwin, son of M.R.Chendilnathan has filed the present Writ Petition with the following prayer:-

"Writ of mandamus directing the 1st and 2nd Respondents to pull down the illegal structure put up by the 5th Respondent in the property belonging to Petitioner in S.No.345/2 Part, measuring about 6 Acres 88.5 cents, Anumanthai Village, Anumanthai Panchayat, Marakkanam Taluk, Villupuram District."

2. Learned counsel for the Petitioner submitted that he has already made a representation to the Authorities concerned, viz., the Respondents herein about the encroachment of the property belonging to the Petitioner in S.No.345/2, measuring about 6. Acres 88.5 cents, Anumanthai Village, Anumanthai Panchayat, Marakkanam Taluk, Villupuram District alleged to have been made by Respondent No.5, Damodaran.

3. Having heard the learned counsel for the Petitioner, Mr.J.Kalidas and Mr.V.Jayaprakash Narayanan, learned Government Pleader for Respondents 1 to 4, we are satisfied that the present dispute between the parties is one of civil in nature and therefore, Civil Suit in such cases will be the appropriate remedy for the Petitioner to avail. The Petitioner is also free to press the representation pending before the Authorities concerned, who are expected to decide such representation after giving an opportunity of hearing to the Petitioner as expeditiously as possible. In case the Petitioner is not satisfied with the orders passed by the Authorities concerned, he can file a Civil Suit by impleading the Authorities concerned in the said suit.

4. With these observations, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

ssk.

To:

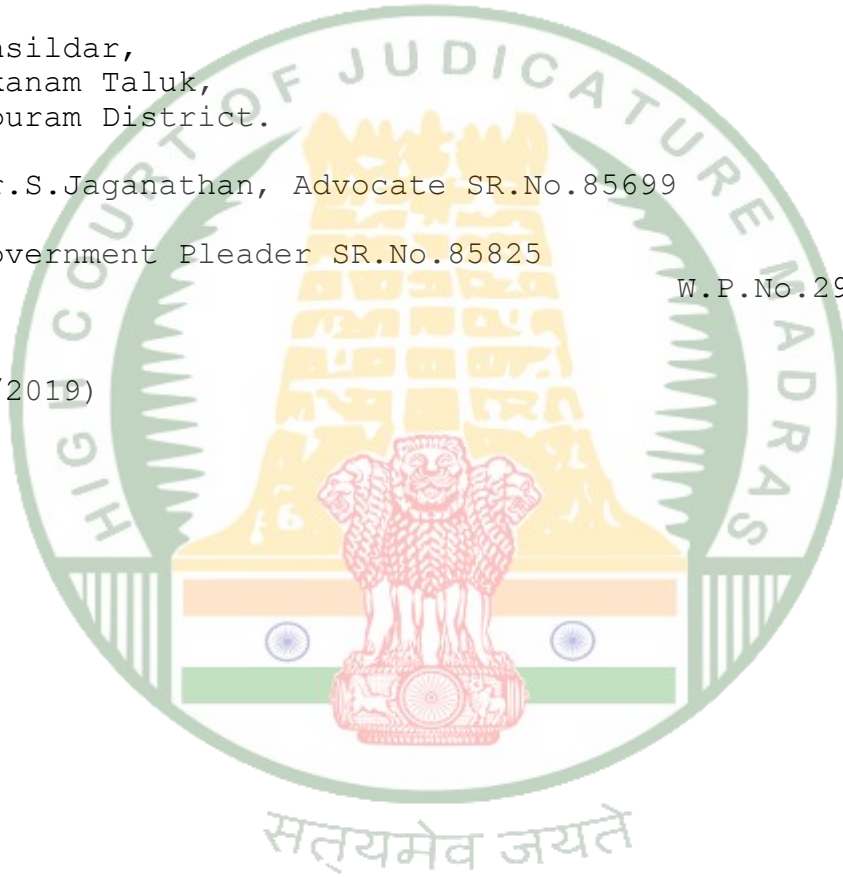
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Villupuram District.

+1cc to Mr.S.Jaganathan, Advocate SR.No.85699

+1cc to Government Pleader SR.No.85825

W.P.No.29046 of 2019

SR(CO)
GMY(21/10/2019)



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