

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI  
AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.27582 of 2019

Ramprakash

.. Petitioner

-vs-

1. The District Collector-cum-  
Inspector of Panchayaths,  
Tiruppur District,  
Tiruppur.

2. The Block Development Officer,  
Tiruppur Panchayath Union,  
Tiruppur District.

3. The Special Officer,  
Perumanallur Panchayath,  
Tiruppur District.

4. Shanthi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 herein to take action and demolish the illegal construction put by the 4<sup>th</sup> respondent herein in S.F.No.232/4 situate at Perumanallur Village, Avinashi Taluk, Tiruppur District, within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.V.Jayaprakash Narayanan  
Government Pleader  
for respondent Nos.1 and 2

ORDER

(Order of the Court was made by DR.VINEET KOTHARI,J.)

The prayer made in this writ petition by the petitioner is as under:

"For the above stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, particularly in the nature of a Writ of Mandamus directing the respondents 1 to 3 herein to take action and demolish the illegal construction put up by the 4<sup>th</sup> respondent herein in S.F.No.232/4 situate at Perumanallur Village, Avinashi Taluk, Tiruppur District, within a stipulated period and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice"

2. Having heard the learned counsel for parties, we are of the opinion that there is a private dispute between the petitioner and the private respondent with regard to the land allegedly encroached by the private respondent. Therefore, the petitioner has to avail the remedy by way of civil suit, as facts are required to be determined before removal of the alleged encroachment.

3. In view of the effective alternative remedy available to the petitioner, the present writ petition is liable to be dismissed. Therefore, the same is dismissed with liberty to the petitioner to approach the Civil Court. No costs. Consequently, W.M.P.No.27074 of 2019 is closed.

Sd/-  
Assistant Registrar(insp.cell)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

bbr

To:

1. The District Collector-cum-Inspector of Panchayaths,  
Tiruppur District,  
Tiruppur.

WEB COPY

2. The Block Development Officer,  
Tiruppur Panchayath Union,  
Tiruppur District.

3. The Special Officer,  
Perumanallur Panchayath,  
Tiruppur District.

+lcc to Mr.K.Goviganesan, Advocate, S.R.No.80390

W.P.No.27582 of 2019

SV(CO)  
GN(18/10/2019)



WEB COPY