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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.07.2019
CORAM
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.14697 of 2019

Ganesan ... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Usilampatti Taluk,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

3.The Taluk Surveyor,
Usilampatti Taluk,
Usilampatti,
Madurai District.

4.P.Mayandi Thevar ... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent 1 to 3 to remove the boundary stones which was erected illegally on the basis of the petitioner's representation dated 20.05.2019 to the respondents.

For Petitioner : Mr.S.Chinnaian
For Respondents : Mr.B.Bhagawathi, G.A. For RR1-3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent 1 to 3 to remove the boundary stones which was erected illegally on the basis of the petitioner's representation dated 20.05.2019 to the respondents.

2.Heard Mr.S.Chinnaian learned counsel appearing for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the 4th respondent, notice to him is dispensed with.

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3.Since there is a dispute between the petitioner and the 4th respondent in respect of the land, the 4th respondent already approached this Court and filed a writ petition in W.P.(MD) No.23735 of 2018, where, this Court made the following order dated 04.02.2019:

> "2.Since, the dispute between the respondents is civil in nature, it is not proper to this Court to grant relief sought for. The petitioners are at liberty to workout the remedy before the competent Civil Court. It is made clear that this Court has not pronounced anything on the merits of the matter."

Now, it is the turn of the petitioner to file this writ petition, who was the 4th respondent in that writ petition filed by the 4th respondent and seeks the present relief.

4.If at all any dispute arises between the petitioner and the 4th respondent with regard to the land and based on which, if the petitioner has got any grievances against the 4th respondent on the pretext that he is encroaching upon the land of the petitioner by erecting the survey stone or boundary stone etc., the remedy available for the petitioner is before the Civil Court to initiate appropriate civil Suit/ proceedings, where, if he gets declaratory order, then only, he can establish the right over the property and during the interregnum, if the petitioner has got grievance like the encroachment or interference from the private parties, particularly from the 4th respondent, for that grievance also, the petitioner can seek remedy from the Civil Court and in that view of the matter, this Court is not inclined to entertain this writ petition for the present prayer.

5.Therefore, this writ petition is dismissed with liberty to approach the competent civil Court to seek appropriate remedy. No costs.

Sd/-

Assistant Registrar (Records)

/ True Copy /

Sub Assistant Registrar(CS-)

Arul

To

1.The Revenue Divisional Officer,
Usilampatti Taluk,
Usilampatti, Madurai District.

2.The Tahsildar,
Usilampatti Taluk,
Usilampatti, Madurai District.

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3.The Taluk Surveyor,
Usilampatti Taluk,
Usilampatti,
Madurai District.

+1 CC to M/s.S.CHINNAIAN, Advocate (SR-72934[F] dated 03/07/2019)
+1 CC to M/s.SPL GP (SR-73181[F] dated 03/07/2019)

Order made in
W.P.(MD)No.14697 of 2019
Dated: **02.07.2019**

ES/17.07.2019/3P/6C

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