



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)NO.13949 OF 2019

M.Santhi

: Petitioner

.VS.

- 1.The District Collector,
Thoothukudi district,
Collectorate Office,
Thoothukudi - 628 101.
 - 2.The Revenue Divisional Officer,
Ettayapuram Road, Kovilpatti,
Thoothukudi District.
 - 3.The Tahsildar,
Taluk Office, Ottapidaram Taluk,
Thoothukudi District.
 - 4.The Superintending Engineer,
Thoothukudi EDC, TANGEDCO.,
131 and 132, Ettayapuram Road,
Thoothukudi- 628 001.
 - 5.The Superintending Engineer,
Non-Conventional Energy Department,
Tirunelveli District Electricity Distribution Circle,
Tirunelveli.
 - 6.Gamesha Kathadi Company,
Thattapaarai Road,
Puthiyamputhur,
Thoothukudi District.
- : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 and respondent No.5 to take action against the 6th respondent on the basis of the Petitioner's representation dated 7.5.2019.

**O R D E R**

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY.,J.**]

The Petitioner seeks for a mandamus to direct the respondents 1 to 3 and 5 to take action against the sixth respondent on the basis of the Petitioner's representation, dated 7.5.2019.

2.The case of the Petitioner is that the sixth respondent has illegally encroached upon the lands of the Petitioner in S.Nos.583 (1), 579(2A), 582(2), 586/2, 586/4, 586/4 and 588 in Savarimangalam Village, Ottapidaram Taluk, Thoothukudi District. Admittedly, all the above said survey numbers are allegedly private lands owned by the Petitioner.

3.Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

4.The learned counsel for the Petitioner submits that although the lands are private lands, proceedings were initiated by the District Revenue Tahsildar for removal of encroachment by way of letter, dated 14.5.2019. Therefore, he submits that the Writ Petition for removal of encroachment is maintainable.

5.In view of the fact that the lands in question which are said to be encroached upon by the sixth respondent are private lands and the alleged encroacher is a private party, this Writ Petition is not maintainable and appropriate remedy is before the Civil Court.

6.Accordingly, the Writ Petition is dismissed, with liberty to the Petitioner to approach the appropriate Civil Court for remedy. No costs.

Sd/-

Assistant Registrar

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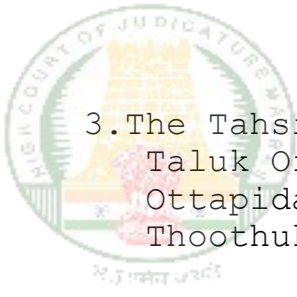
Sub Assistant Registrar(CS-)

vsn

To

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131 and 132, Ettayapuram Road,
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5.The Superintending Engineer,
Non-Conventional Energy Department,
Tirunelveli District Electricity Distribution Circle,
Tirunelveli.

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate
(SR-70457[F] dated 21/06/2019)

+1 CC to M/s.SPL GP (SR-71248[F] dated 25/06/2019)

ORDER MADE IN
W.P(MD)No.13949 of 2019
21.06.2019

ES/05.07.2019/3P/8C