



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 19.08.2019  
CORAM

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**  
**AND**

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition(MD)No.10459 of 2019

and

W.M.P(MD)Nos.8042 and 8043 of 2019

F.Jeyaseelan

... petitioner

Vs.

- 1.The Commissioner  
Corporation of Dindigul  
Office of the Town Panchayat,  
Dindigul, Dindigul District.
- 2.The Zonal Officer,  
Aathur Zonal Office of Corporation of Dindigul  
Aathur, Vakkampatty Village,  
Dindigul Taluk and District.
- 3.The Bangalore Society of the Fathers of Holy Cross  
rep. by its Founder, Treasurer,  
Mr.JosepKaspar @ Kaspar,  
Vathalagundu Main Road,  
Vakkampatty, Dindigul Taluk,  
Dindigul District.
- 4.The Secretary,  
Department of Land Reform,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.
- 5.The District Collector,  
Office of the District Collector,  
Dindigul District,  
Dindigul.
- 6.The Commissioner,  
Town Panchayat Commissioner Office,  
Dindigul, Dindigul District.
- 7.The Tahsildar  
(Survey Department)  
Office of the Tahsildar,  
Dindigul,  
Dindigul District.



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing 1<sup>st</sup> and 2<sup>nd</sup> respondents to lock, seal and demolish the encroached construction done by 3<sup>rd</sup> respondent in 50 cent of petitioner's land situated at Vakkampatty Village, Vathalagundu Main Road, Dindigul Taluk and District in survey Nos.118/6, 118/7, Old patta No. 450, Common chitta Nos.187, 190, 424, 425 under the provision of the Town and Country Planning Act 1971, by considering the petitioner's representation, dated 04.10.2018.

For Petitioner : Mr.B.Chandran  
For Respondents : Mr.J.Lawrance (for R1)  
Mr.I.Pinayacash (for R3)  
Mr.N.Shanmugaselvam  
Addl. Govt. Pleader (for R4 to R7)  
No appearance (for R2)

### O R D E R

[Order of the Court was made by K.RAVICHANDRABAABU, J]

The petitioner seeks for a Mandamus directing 1<sup>st</sup> and 2<sup>nd</sup> respondents to lock, seal and demolish the encroached construction done by 3<sup>rd</sup> respondent in 50 cent of his land situated at Vakkampatty Village, Vathalagundu Main Road, Dindigul Taluk and District in survey Nos.118/6, 118/7, Old patta No. 450, Common chitta Nos.187, 190, 424, 425 under the provision of the Town and Country Planning Act 1971, by considering his representation, dated 04.10.2018.

2.Heard both sides and perused the materials placed before us.

3.The case of the petitioner is that the third respondent has encroached upon the petitioner's land to an extent of 50 cents at survey Nos.118/6, 118/7 of Vakkampatty Village, Vathalagundu Main Road, Dindigul Taluk and District and put up some construction therein. Therefore, the petitioner seeks for direction to the official respondents to take action against the third respondent for removal of the such encroachment.

4.From the perusal of the affidavit filed in support of the writ petition and by considering the submission made by the learned counsel appearing for the writ petitioner, it is evident that the petitioner's claim is in respect of title to the subject matter property and that his complaint is that the third respondent has encroached upon his land and put up some construction therein. If that be the case of the writ petitioner, we are of the firm view that the Writ Court is not the proper forum to agitate the matter for removal of such alleged encroachment and on the other hand, the dispute between the parties purely of civil in nature has to be agitated and worked out only before the competent Civil Court, by



filing appropriate civil suit. Therefore, we find that the present writ petition is totally misconceived. Accordingly, this writ petition is dismissed, without expressing any view on the merits of the claim made by the respective parties. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS )

To

- 1.The Secretary,  
Department of Land Reform,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.
- 2.The District Collector,  
Office of the District Collector,  
Dindigul District,  
Dindigul.
- 3.The Commissioner,  
Town Panchayat Commissioner Office,  
Dindigul, Dindigul District.
- 4.The Tahsildar  
(Survey Department)  
Office of the Tahsildar,  
Dindigul,  
Dindigul District.

+1 CC to Mr.B. CHANDRAN, Advocate ( SR-82192[F] dated 19/08/2019 )  
+1 CC to Mr.I. PINAYGASH, Advocate ( SR-82260[F] dated 19/08/2019 )  
+1 CC to Mr.J. LAWRANCE, Advocate ( SR-82554[F] dated 20/08/2019 )

Writ Petition(MD)No.10459 of 2019  
and  
W.M.P(MD)Nos.8042 and 8043 of 2019  
19.08.2019

skn

MK (09.09.2019) 3P 8C