



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.07.2019
CORAM

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

Writ Petition(MD)No.13882 of 2019

R.Indira

... petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai Division,
Madurai.

3.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

4.M.Anand, VAO,
Plot No.2, Meenakshi Nagar,
Navinipatti Village,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate proceedings to remove the encroachment made by the 4th respondent in 2 ft. width in the 12 ft. East-West Street and 5 ft. width in the North-South Street comprised in Survey No.386/4C Navinipatti village, Melur Taluk, Madurai District, on the basis of the petitioner's representation, dated 27.01.2018 within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader
(for R1 to R3)
Mr.T.Leninkumar (for R4)

O R D E R

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

The petitioner seeks for a Mandamus directing the respondents 1 to 3 to initiate proceedings to remove the encroachment made by 4th



respondent in 2 feet width in the 12 feet East-West Street and 5 feet width in the North-South Street comprised in Survey No.386/4C Navinipatti Village, Melur Taluk, Madurai District, on the basis of her representation, dated 27.01.2018.

2.The grievance of the petitioner is that the fourth respondent has made some encroachment at Survey No.386/4C at Navinipatti Village, Melur Taluk, Madurai District. Therefore, she made a representation before the authorities on 27.01.2018 to take action for removal of such encroachment.

3.After notice, the matter was taken up today for further hearing. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the subject matter property, namely, Survey No.386/4C is not a Government land and on the other hand, it is private land belonging to one Alagusundaram as found in the revenue records. Therefore, he submitted that the prayer sought for in this writ petition for removal of encroachment, that too, in a private land, is not maintainable.

4.We have perused a copy of 'A' Register produced by the learned Special Government Pleader. It is seen from the said entry that survey No.386/4C is a property referable to a private party. If that be the case, it is to be noted that such private dispute in respect of private property cannot be settled by way of the present writ petition.

5.Therefore, this writ petition is dismissed, without expressing any view on the merits of the claim made by the petitioner, however, by granting liberty to the petitioner to work out her remedy in a manner known to law before the appropriate forum. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Madurai Division,



3. The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-77575[F] dated 25/07/2019)
+1 CC to SPL GP (SR-77945[F] dated 26/07/2019)

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skn

MK (07.08.2019) 3P 6C