



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.18225 OF 2019

and

W.M.P (MD) No.14661 of 2019

A.Chandrasekaran

:Petitioner

.vs.

1.The District Collector,
District Collectorate Office,
Korampallam, Tuticorin,
Tuticorin District.

2.The Deputy Superintendent of Police,
Maniyachi Range, Puliampatti,
Ottapidaram Taluk,
Tuticorin District.

3.The Superintending Engineer,
Tirunelveli Electricity Circle,
Maharaja Nagar,
Tirunelveli.

4.The Executive Engineer,
Non Conventional Energy Sources,
Tamil Nadu Electricity Board,
Aringer Anna Building,
Maharaja Nagar,
Tirunelveli District.

5.C.Chandran

6.Suresh

7.M/s.Suzlan Gujaraj Wind Park Limited,
represented by Secretary,
No.5, Shrimalai Society,
Near Shree Krishna Complex,
Navrungpura,
Ahmedabad,
Gujarat - 380 009.

: 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 4 to consider the Petitioner's representations dated 1.7.2019, 4.7.2019, 19.7.2019 and to remove the unauthorized encroachment by the respondents 5,6 and 7 in the Petitioner's property in Patta Nos.1954, 1955 in S.Nos.168,220 and 224 in Akkanayakanpatti, Madudhanvazhvu, Tuticorin District.

For Petitioner

:Mr.G.V.Vairam Santhosh

For Respondents
1 and 2

:Mr.VR.Shanmuganathan
Special Govt.Pleader

O R D E R

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

The Petitioner seeks for a mandamus to direct the respondents 1 to 4 to consider the Petitioner's representations, dated 1.7.2019, 4.7.2019, 19.7.2019 and to remove the unauthorized encroachment by the respondents 5,6 and 7 in the Petitioner's property in Patta Nos.1954, 1955 in S.Nos.168,220 and 224 in Akkanayakanpatti, Madudhanvazhvu, Tuticorin District.

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

3.The grievance of the Petitioner is that the private respondents namely, respondents 5 to 7 have trespassed into the Petitioner's land and put up some construction therein namely, an electric pole, for the purpose of establishing a wind mill. According to the Writ Petitioner, private respondents are not entitled to make such encroachment into the Petitioner's land, without there being any right or title over the same.

4.Considering the fact that the very claim of the Writ Petitioner against the private respondents is in respect of a private property, with which, the official respondents cannot have any say, more particularly, to decide as to whether it is an encroachment or not, we are not inclined to entertain the present Writ Petition, as it is for the Writ Petitioner to work out his remedy by approaching the competent Civil Court by filing appropriate civil suit.



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5. Granting such liberty, this Writ Petition is dismissed as not maintainable, without expressing any view on the merits of the claim made by the Writ Petitioner. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
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Aringer Anna Building,
Maharaja Nagar,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-83566[F] dated 27/08/2019)

VSN

ORDER MADE IN
W. P (MD) NO. 18225 OF 2019
and
W. M. P (MD) No. 14661 of 2019
26.08.2019

KM/ (09.09.2019) 3P 6C