



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.21185 of 2019

Mariyappan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Block Development Officer,
(Village Panchayats),
Panchayat Union Office,
Srivaikundram,
Tuticorin District.

3.Mandira Velar

4.Ponnuvelar

5.Rajendran

6.Karuppasamy

7.Ramasamy

8.Murugesan

9.Muthukumar

10.Mari

11.Sundaram

12.Shanmugam

13.Alaguraj

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 13.08.2019 given to the 2nd respondent and his representation dated 29.08.2019 given to the 1st respondent to take appropriate action on the same.

For Petitioner : Mr.T.M.Madasamy

For Respondent-1 : Mr.A.K.Baskarapandian
Spl.Govt.Pleader



For Respondent-2

: Mr.C.Ramar,
Addl.Govt.Pleader

WEB COPY

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

We have heard Mr.T.M.Madasamy, learned Counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader for R1 and Mr.C.Ramar, learned Additional Government Pleader, for R2,

2. The petitioner is before this Court stating that the private respondents have unauthorizedly encroached into his land and putting construction without obtaining any building plan approval. Therefore, representation was given to the authority to take action against the private respondents. The petitioner now seeks for a direction to dispose of his representation.

3. On a reading of the affidavit filed in support of the writ petition as well as the representations it is clear that there is a civil dispute between the petitioner and the private respondents and the present writ petition is in fact a civil suit in disguise. If at all the petitioner claims that he is the absolute owner of the property then he should approach the civil Court for appropriate relief in which the private respondents have to be impleaded as defendants.

4. Considering these facts, we are not in a position to issue any direction in this writ petition Accordingly, the writ petition is dismissed. However, it will not prevent the petitioner from approaching the appropriate forum for necessary relief against the private respondents. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

MPK

To

1.The District Collector,
Tuticorin District,
Tuticorin.



2.The Block Development Officer,
(Village Panchayats),
Panchayat Union Office,
Srivaikundram,
Tuticorin District.

+1CC TO MR.T.M.MADASAMY, Advocate Sr. No.91728
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 91914

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GKG (CO)
TR(06.11.2019) 3P 5C