



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P(MD)No.25661 of 2019

R.Jeyasingh Chandrabose

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.The Superintendent of Police,
Madurai District,
Madurai.

4.The Inspector of Police,
Austinpatti Police Station,
Madurai District.

5.Ravichandran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the channel which is situated at the Western side of the petitioner's house site situated at Survey Nos.351/2, 351/2A1 & 351/2B, in Plot Nos.20, 21 & 22 to an extent of 13 ½ cents, situated at Vilacheri, Madurai District, based on the petitioner's representation dated 15.11.2019.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.R.Murugan
Additional Government Pleader
for R.1 to R.4



ORDER

(Order of this Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the fifth respondent in the channel which is situated at the western side of the petitioner's house site situated in Survey Nos.351/2, 351/2A1 & 351/2B in Plot Nos.20, 21 & 22 measuring to an extent of 13 ½ cents at Vilacheri, Madurai District, based on the petitioner's representation dated 15.11.2019.

2. In paragraph No.3 of the affidavit filed in support of the writ petition, the petitioner himself stated that he has purchased a vacant site in Patta No.3241 in Survey Nos.351/2, 351/2A1 & 351/2B, in Plot Nos.20, 21 & 22 to an extent of 13 ½ cents, situated at Vilacheri, Madurai District.

3. The prayer sought for in the writ petition is to remove the encroachment made by the fifth respondent in the channel which is situated on the western side of the petitioner's house site. The photograph produced by the petitioner does not disclose the existence of the water channel.

4. The learned Counsel appearing for the petitioner submitted that the channel is situated on the rear side of the building. However, the channel is not visible in the photograph produced by the petitioner. That apart, the litigation appears to be a personal litigation and the dispute is only between the petitioner and the fifth respondent. In the guise of Public Interest Litigation, the petitioner cannot seek for a direction to the official respondents as against the fifth respondent.

5. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

ssl



To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.The Superintendent of Police,
Madurai District, Madurai.

4.The Inspector of Police,
Austinpatti Police Station,
Madurai District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-103154[F] dated 03/12/2019)

+1 CC to M/s.SPL GP (SR-103268[F] dated 04/12/2019)

W.P (MD) No.25661 of 2019
03.12.2019

JMN(18.12.2019) 3P : 7C