

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.NO.7039 OF 2020
AND
W.M.P.NO.8394 OF 2020

R.Vellaian

... Petitioner

Vs

1. The District Collector,
Kallakurichi District.
2. The Tahsildar,
Ulunthurpettai,
Kallakurichi District.
3. Mrs.Kuppu

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action against the 3rd Respondent for putting up unauthorized construction in S.F. No. 28/1 & 28/2 by encroaching in the Petitioner's land about 3 feet width in S.F. No. 28/2 Mariyamman Kovil St, Somasi Palayam, Ulunthurpettai, Kallakurichi District and to demolish the same.

For Petitioner : Mr.T.Ramachandran

For Respondents: Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader
(for R1 & R2)

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The learned Counsel for the Petitioner contended that the Third Respondent has encroached upon the Petitioner's property and she is putting up construction. This Court is of the view that these issues should be gone into by the Civil Court where

the ownership of the Petitioner as well as the ownership of the third Respondent are in question. Hence, Writ Jurisdiction cannot be invoked.

2. Accordingly, this Writ Petition is dismissed. However, the Official Respondents are directed to survey the property after giving notice to the Petitioner as well as the third Respondent. It is made clear that this dismissal order will not preclude the Official Respondents from surveying the property. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kallakurichi District.
2. The Tahsildar,
Ulunthurpettai,
Kallakurichi District.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.24513
+1cc to the Government Pleader, S.R.No.24579

W.P.No.7039 of 2020
and
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VSNI (CO)
CS/21/07/2020

सत्यमेव जयते

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