



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.03.2020
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) .No.5535 of 2020

Ramalingam

.. Petitioner

/Vs./

- 1.The District Collector,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Singampunari Taluk,
Sivagangai District.
- 4.The Village Assistant Officer,
Kirunkakottai,
Singampunari Taluk,
Sivagangai District.
- 5.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 6.Jothi

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 1 to 4 herein to take immediate action to remove the illegal encroachments made by the 6th respondent on the petitioner property in Survey No.215/23 to an extent of 0.02.50 Square meter of 6 cents the property situated at Kirunkakottai Village, Singampunari Taluk, Sivagangai District based on the petitioner representation, dated 21.02.2020 within a time stipulated by this Court.

For Petitioner : Mrs.K.Malathi
For Respondents : Mr.D.Muruganandam, R1 to R5
Additional Government Pleader



O R D E R

(Order of this court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuing a writ of mandamus directing the respondents 1 to 3 to take immediate action to remove the illegal encroachments made by the sixth respondent in the petitioner's property in S.No.253/23 measuring an extent of 0.02.50 hectares in Kirungakottai Village, Singampunari Taluk, Sivagangai Taluk, based on the representation of the petitioner.

2.It is the case of the petitioner that his father was the absolute owner of the property measuring an extent of 0.02.50 hectares in S.No.253/23. It is further stated that after the demise of the petitioner's father, the petitioner and his brother by name Sakthivel are in possession and enjoyment of the property. The petitioner also contended that the patta of the property was transferred in the name of petitioner and his brother.

3.The grievance of the petitioner is that the 5th respondent in the writ petition has encroached the property of the petitioner by creating false documents and that a complaint given by the petitioner before the Inspector of Police, Singampunari, is pending. By stating that the respondents have not considered the representation, the petitioner has approached this Court as he has no alternative efficacious remedy.

4.The petitioner's grievance is that a private person namely sixth respondent has encroached the property of petitioner. The dispute between the petitioner and the sixth respondent cannot be resolved by the Revenue Officials. The provisions of Tamil Nadu Land Encroachment Act is applicable only to remove the encroachment in Government Poramboke. No proceeding can be initiated by the respondents to remove the encroachment in private properties on the representation of individual. Hence, this Court is of the view that the writ petition is not maintainable and the petitioner has to work out his remedy by filing a civil suit as against the sixth respondent.

5.Hence, with liberty to the petitioner to approach the civil Court to establish his right and to seek appropriate relief as against the sixth respondent, this writ petition is dismissed with cost of Rs.500/- payable to the Bubbles Day Care, being run by the Women Lawyers Association, Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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- 5.The Inspector of Police,
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COPY TO:

The Bubbles Day Care,
The Women Lawyers Association,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.MALATHI, Advocate (SR-12076[F] dated 17/03/2020)
+1 CC to M/s.SPL GP (SR-12274[F] dated 18/03/2020)

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MK (15.05.2020) 3P 9C