



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.02.2020
CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

WEB COPY

W.P. (MD) No.4340 of 2016
and
W.M.P. (MD) No.3857 of 2016

R.Bharathi

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Assistant Director of Town Panchayat,
Dindigul Region, Dindigul.

3.The Executive Officer,
Selection Grade Town Panchayat,
Chinnalapatti.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to forbear from constructing a "Travellers shelter" both in the Highway Road as well as in the land belonging to the petitioner herein in Ward No.2, Chinnalapatti, Dindigul District in front of the shops run by the petitioner herein Door No.2-3/3A, 3B, 3C, 3D of Ward No.2, Chinnalapatti town, Dindigul District.

For Petitioner : Mr.K.Muthu Ganesapandian

For Respondents : Mr.A.Thiyagarajan,
Government Advocate.

ORDER

This writ petition has been filed to direct the respondents to forbear from constructing a "Travellers shelter" both in the Highway Road as well as in the land belonging to the petitioner herein in Ward No.2, Chinnalapatti, Dindigul District in front of the shops run by the petitioner herein in Door No.2-3/3A, 3B, 3C, 3D of Ward No.2, Chinnalapatti town, Dindigul District.

2.The petitioner states that he purchased the building bearing D.Nos.2-3/3A, 3B, 3C, 3D of Ward No.2, Chinnalapatti town. It is the grievance of the petitioner that the respondents have peg-marked the area just in front of his shop and that they have proposed to construct a shelter for the benefit of public.



3. Though the petitioner states and made some allegations of malafides and contend that local MLA belonging to the opposite political camp made this to happen, the petitioner has no material to substantiate malafides.

4. Though the petitioner made some allegation that some portion of his property in front of the shops has been encroached, it is seen from the photograph that another plot just in front of the petitioner's shops is available and that the shelter is far away from the petitioner's shops.

5. Hence, this Court is unable to find any possibility of petitioner's land being encroached by the respondents. It is seen from the photographs produced by the petitioner that there is sufficient space to access the petitioner's shop. If the petitioner is able to establish that his land has been encroached or taken by the respondents, it is always open to the petitioner to move before the civil Court for getting a declaration and consequential reliefs. However, the petitioner cannot seek injunction before this Court preventing the construction of shelter for the public to use.

6. The writ petition therefore, dismissed. However, as stated above, the petitioner is given liberty to approach the civil Court, if any portion of his land is encroached or utilized by the Municipality. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector,
Dindigul District, Dindigul.

2. The Assistant Director of Town Panchayat,
Dindigul Region, Dindigul.

3. The Executive Officer,
Selection Grade Town Panchayat, Chinnalapatti.

+1 CC to M/s. Special Government Pleader (SR-8795[F]

+1 CC to M/s. K. MUTHU GANESHA PANDIAN, Advocate (SR-8238[F]

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