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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 02.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.11434 of 2021

and

W.M.P.No.12151 of 2021

G. Ramasamy

. . . Petitioner

Versus

1. The District Collector,
Office of the District Collectorate,
Vengikkal, Thiruvannamalai,
Pin Code - 606 604.
2. The Superintendent of Police,
Office of the District Superintendent of Police,
Thiruvannamalai.
3. The Inspector of Police,
Thandarampattu Police Station,
Thandarampattu - 606 707.
4. N. Ramesh . . . Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st to 3rd respondents to remove the iron gate which was installed by the 4th respondent by leaving pathway which is common in nature and take appropriate action against the 4th respondent based on the petitioner's complaint dated 12.03.2021.

For petitioner : Mr.S.Ilamvaludhi

For respondents - 1 to 3 : Mr.A.Damodaran
Counsel for Government of
Tamil Nadu (Crl.side)



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O R D E R

This petition has been filed for issuance of a writ of mandamus directing the 1st to 3rd respondents to remove the iron gate which was installed by the 4th respondent by leaving pathway which is common in nature and take appropriate action against the 4th respondent based on the petitioner's complaint dated 12.03.2021.

2. The main grievance of the petitioner is that the 4th respondent made an encroachment and prevented a pathway, thereby the petitioner's movement of the property has been totally disturbed. The entire allegation appears that there is a civil dispute between the parties. Whether or not there is any encroachment as alleged by the petitioner, the same cannot be decided by this Court or enquiry by the police. If at all, such encroachment has to be established, the same has to be done in a legal manner.

3. Such view of the matter, a blanket direction cannot be issued in this writ petition. It is open to the petitioner to work out his remedy by filing a civil suit or file any complaint before the concerned Magistrate Court and establish the same.

4. With the above observation, this Writ Petition is



disposed of. No costs. Consequently, connected Miscellaneous
Petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Pin Code - 606 604.
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Thiruvannamalai.
3. The Inspector of Police,
Thandarampattu Police Station,
Thandarampattu - 606 707.
4. The Public Prosecutor
High Court of Madras

order in:
W.P.No.11434 of 2021
and
W.M.P.No.12151 of 2021

SSN(CO)
SU(16/07/2021)