



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2021

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.11446 of 2021

S.Ramesh

...Petitioner

vs

1.The Deputy Director cum Urban Planning Officer,
Office of the Deputy Director Urban Planning,
Ranipettai District.

2.The District Registrar,
Office of the District Registrar,
Arakkonam, Ranipettai District.

3.The Block Development Officer,
Office of the Block Development Officer,
Arakkonam, Ranipettai District.

4.R.Dhuraikannu

5.Aandal

...Respondents

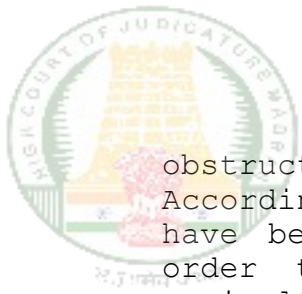
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 12.09.2020 seeking action against the above respondents 4 and 5 for obstruction made in way of link road, which was given gift to Deputy Director of Urban Planning Officer, Vellore, vide gift deed No.448/2020 dated 07.02.2020, subsequently a deed of rectification vide No.624/2020 dated 19.02.2020 at SRO -1 Aarkkonam, by erecting stone fencing in 'Munjunatha Nagar Layout' in front of the petitioners agriculture property, within the reasonable time to be fixed by this Honourable Court.

For Petitioner : Mr.R.Poornima

For Respondents : Mr.Sanjeevi Kumar
Special Government Pleader for R1 to R3

O R D E R

The case of the petitioner is that the respondents 4 and 5 herein are attempting to encroach upon his property and



obstructing access to the petitioner's property illegally. According to the petitioner, the respondents 4 and 5 herein have been using free agricultural electricity connection in order to pump borewell water and to sell the same for agricultural purpose. According to the petitioner, the respondents, being Government officials, using their position, convinced the officials for their illegal action.

2. The affidavit filed in support of the writ petition contains several facts as to the attempt and encroachment by the private respondents as to the ownership of the neighbouring plot. The adjudication of the dispute as it presented involves investigation of facts and such investigation is admittedly not possible in adjudication under Article 226 of the Constitution of India. Though the prayer seemingly appears to be a Writ of Mandamus disposing of the representation of the petitioner, but such a relief cannot be granted entirely on the premise on the basis of disputed questions of fact. Moreover it also appears to be a private dispute between the petitioner and the private respondents, which cannot be brought within the ambit of Public Law remedy.

3. Hence, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Deputy Director cum Urban Planning Officer,
Office of the Deputy Director Urban Planning,
Ranipettai District.

2.The District Registrar,
Office of the District Registrar,
Arakkonam, Ranipettai District.

3.The Block Development Officer,
Office of the Block Development Officer,
Arakkonam, Ranipettai District.

+1cc to the Government Pleader, S.R.No.27550/21

W.P.No.11446 of 2021

RLD (CO)

RVM(26/07/2021)