



WEB COPY

W.P.(MD)No.1506 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.1506 of 2021

and W.M.P(MD) No.1295 of 2021

(Through Video Conferencing)

Captain William Thangaraj

: Petitioner

Vs.

1.The District Collector

Madurai District Collectorate Office, Madurai.

2.The Assistant Executive Engineer (NABARD)

District Rural Development Department

K.Pudur, Madurai.

3.The Commissioner

Thirupparankundram Union,

Madurai District.

4.The Block Development Officer,

Thirupparankundram Panchayat Union,

Thirupparankundram, Madurai.

5.The Revenue Divisional Officer,

Thirumangalam

Madurai District.

6.The Deputy Inspector of Land Survey

Collector Office,

Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to restrain from laying the road on the petitioner's own private land plot no.86 in the survey no.40/1A1A1 in the survey no.40/1A to the extent of 5 cents, 2580 sq. ft. in the patta no.3573, and in the survey no.40/63 in the total 1.50 Ares in the above survey number, at Thanakkankulam Village, Madurai District based on the petitioner's representation dated 09.12.2020 to the respondents 2 and 4 and direct them to lay the road on the Government land and direct the respondents to evict from the encroachment of the petitioner's own private property.

For Petitioner : Mr.R.Karuppiah

For Respondents : Mr.R.Murugaraj

Government Advocate for R1, R2, R5 & R6

Mr.K.P.Krishnadoss for R3 & R4

Special Government Pleader



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition inter-alia alleging that the respondents are trying to put up a road in his private land.

2. Though the learned counsel appearing for the petitioner vehemently contended that it is a private land, the learned Government Advocate submitted that it is not so.

3. We cannot conduct a roving enquiry over the aforesaid aspect. The proper remedy available to the petitioner is to approach the jurisdictional civil Court, as such a disputed question of fact, which cannot be gone into in this proceedings. Accordingly, this writ petition is closed with liberty to the petitioner to approach the jurisdictional civil Court. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector
Madurai District Collectorate Office, Madurai.
2. The Assistant Executive Engineer (NABARD)
District Rural Development Department
K.Pudur, Madurai.
3. The Commissioner
Thirupparankundram Union,
Madurai District.
4. The Block Development Officer,
Thirupparankundram Panchayat Union,
Thirupparankundram, Madurai.



5.The Revenue Divisional Officer,
Thirumangalam
Madurai District.

6.The Deputy Inspector of Land Survey
Collector Office,
Madurai.

+1 CC to M/s.SPL GP (SR-2810[F] dated 02/02/2021)

W.P.(MD)No.1506 of 2021
Dated: 01.02.2021

ES(CO)
KB(11.02.2021) 3P 8C