



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.4354 of 2021

Palanisamy,

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

3.The Block Development Officer
Thirumayam Union,
Pudukkottai District.

4.Rajendran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in Survey Nos. 265/1, 265/4, 265/6 and 265/8 at Thirumayam Village and Taluk, Pudukkottai District made by the fourth respondent, based on the petitioner's representation, dated 02.12.2020.

For Petitioner	:	Mr.Prabhu
		For Mr.D.Rameshkumar
For R-1 & R-2	:	Mr.A.K.Manickam,
		Standing counsel for Government
For R-3	:	Mr.G.Arjunan



O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.Prabhu, learned counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing counsel appearing for the respondents 1 and 2 and Mr.G.Arjunan, learned counsel appearing for the fourth respondent.

2.The petitioner seeks for a direction upon the respondents 1 to 3 to remove the encroachment made in Survey Nos. 265/1, 265/4, 265/6 and 265/8 at Thirumayam Village and Taluk, Pudukkottai District made by the fourth respondent, based on his representation, dated 02.12.2020.

3.The official respondents have inspected the property and found that the petitioner has purchased a plot in an unapproved layout and there is no pathway as alleged. To the said effect, a report has also been submitted by the Block Development Officer to the Tahsildar on 15.12.2020.

4.Therefore, we cannot, in a writ petition, based on the affidavits examine the dispute between the parties. If at all, the petitioner seeks to establish that there is a pathway, the same should be done not before the High Court by way of a writ petition, but before the appropriate forum in the appropriate manner.

5.With the above observation, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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 presented is the correct copy, shall be the responsibility of advocate/litigant concerned.



To

1.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar
Thirumayam Taluk,
Thirumayam,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-22944[F] dated 16/07/2021)

W.P. [MD]No.4354 of 2021

14.07.2021

PM(CO)

LR (23.07.2021) 3P 4C