



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.5391 of 2021

WEB COPY

K.Rajendran

.. Petitioner

Vs

- 1.The District Collector,
Collectorate Office,
Thoothukudi District.
- 2.The Assistant Director (Panchayat),
Thoothukudi,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
RDO Office,
Tiruchendur Revenue Sub Division,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Tahsildar,
Taluk Office,
Eral Taluk,
Thoothukudi District.
- 5.The Block Development Officer,
Alwarthirunagari Block,
at Thentheruparai,
Thoothukudi District.
- 6.The Village Secretery,
Angamangalam Panchayat,
Kurumbur Post,
Eral Taluk,
Thoothukudi Dt.
- 7.B.Sornalingam

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 6 to take appropriate action as against the 7th respondent by considering the petitioner's representation dated 08.05.2020 within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan

For R1 to R6 : Mr.C.Ramesh
Special Government Pleader

ORDER

The petitioner appears to have been aggrieved by the 7th respondent to encroach upon the common pathway



for construction of steps to his house balcony. According to the petitioner, he being a neighbour of the property owned by his wife is being affected by the encroachment of the 7th respondent. In the affidavit, it is averred that a civil suit was filed by the 7th respondent and others in O.S.No.39 of 2012 on the file of the District Munsif Court, Tiruchendur for the relief of declaration and permanent injunction. The suit was dismissed on 13.03.2018 and aggrieved over the same, no appeal has been filed and the same had become final.

2.It also transpired that the petitioner's wife also filed a suit in O.S.No.130 of 2012 before the District Munsif Court, Tiruchendur for the relief of declaration and mandatory injunction as against the 7th respondent and his sisters. The said suit was also dismissed on 13.03.2018 and according to the averments, steps have been taken to file an appeal against the trial Court decree, dated 13.03.2018. In the meanwhile, the petitioner appears to have made a complaint before the police officials and also made a representation dated 08.05.2020 to the respondents 1 to 6 herein against the 7th respondent and as his representation has not evoked any response from the respondents 1 to 6, he is before this Court.

3.This Court is not inclined to entertain the writ petition for more than one reason. First of all, the petitioner herein is not a owner of the property and therefore, legally he cannot have any *locus standi* to maintain this writ petition. In the affidavit on this aspect, this Court does not find any averments at all as to why before the civil Court, the petitioner's wife was a party as being the owner of the property and before this Court, husband is the petitioner. Therefore, on the ground of *locus standi*, this writ petition has to be dismissed outright.

4.Even otherwise, the averments in the affidavit are too sketchy and bald and even if it makes any legal sense, such matters must engage the attention of the civil Court and not this Court under Article 226 of the Constitution of India.

5.For the above said reasons, the writ petition is liable to be dismissed on both the grounds of *per se* not maintainable as well as on merits and accordingly, on both aspects, it stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



mm

To

- 1.The District Collector,
Collectorate Office,
Thoothukudi District.
- 2.The Assistant Director (Panchayat),
Thoothukudi,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
RDO Office,
Tiruchendur Revenue Sub Division,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Tahsildar,
Taluk Office,
Eral Taluk,
Thoothukudi District.
- 5.The Block Development Officer,
Alwarthirunagari Block,
at Thentheruparai,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-10865[F] dated 12/03/2021)

W.P. (MD) No.5391 of 2021
11.03.2021

GS (21.04.2021) 3P 7C