



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.5151 of 2021

WEB COPY

Mr.M.Kandhasamy

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi West,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Watrap Taluk Office,
Virudhunagar District.
- 4.The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagr District.
- 5.Marimuthu,
Village Administrative Office,
S.Kodikulam Village,
Watrap Taluk,
Virudhunagar District.

6.Alaguraja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment in Survey No.351/3, 296/14, 298/8D, 344/4 which is encroached by the sixth respondent herein by put up oak thorn fencing which is situated at S.Kodikulam Village, Watrap Taluk, Virudhunagar District, based on the petitioner's representation dated 12.02.2021 and consequently direct the respondents 1 to 4 to initiate department action against the fifth respondent herein within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.A.D.Ganeshamoorthi
For Respondents	: Mr.B.Saravanan
	Government Advocate
	for R.1 to R.4
	: Mr.S.Alagusundar
	for R.5



ORDER

(Order of this Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment in Survey Nos.351/3, 296/14, 298/8D, 344/4, which is encroached by the sixth respondent by putting up oak thorn fencing, which is situated at S.Kodikulam Village, Watrap Taluk, Virudhunagar District, based on the petitioner's representation dated 12.02.2021 and subsequently directing the respondents 1 to 4 to initiate departmental action against the fifth respondent within a time frame.

2.It is the case of the petitioner that the sixth respondent had encroached the lands in the above mentioned survey numbers belonging to him. On a reading of the representation dated 12.02.2021, it is clear that the petitioner has specifically stated that the lands in dispute belong to him and that the sixth respondent viz., Alaguraja had encroached the same. From the representation given by the petitioner, it is clear that the dispute is only between the petitioner and the sixth respondent. When the dispute is a private dispute, the same cannot be decided under Article 226 of the Constitution of India. The remedy open to the petitioner is to file a civil suit before a competent civil Court.

3.In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

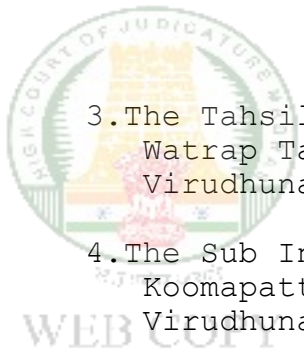
Note :

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,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi West,
Sivakasi,
Virudhunagar District.



3.The Tahsildar,
Watrap Taluk Office,
Virudhunagar District.

4.The Sub Inspector of Police,
Koomapatti Police Station,
Virudhunagr District.

+1CC to The Special Government Pleader (SR25386)

W.P. (MD) No.5151 of 2021
04.08.2021

LS

RS (12.08.2021) 3P-6C