



WEB COPY

WP(MD)No.14511 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14511 of 2021

U.Kannappan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Madurai, Madurai District.

4.The Tahsildar,
Melur Taluk, Melur,
Madurai District.

5.R.Vasuki

6.Balakrishnan

... Respondents

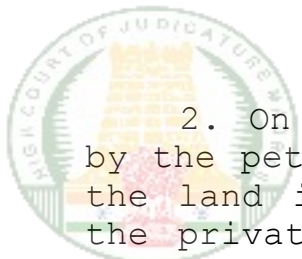
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the fourth respondent to consider the representation given by the petitioner dated 25.06.2021, within a time frame fixed by this Court.

For Petitioner	: Mr.K.Samidurai
For Respondents	: Mr.B.Saravanan
	Government Advocate

ORDER

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

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the fourth respondent to consider the representation given by the petitioner, dated 25.06.2021, within a time frame.



2. On a perusal of the representation dated 25.06.2021 given by the petitioner to the fourth respondent, it could be seen that the land in Survey No.34/18, belongs to the petitioner and that the private respondents had encroached the said land. When the land in question is a private land belonging to the petitioner, a writ petition, asking the fourth respondent-Tahsildar to remove the encroachment, cannot be allowed. When the dispute is between the private parties, the remedy open to the petitioner is only to file a civil suit before the 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. It is brought to the notice of this Court that the petitioner has filed a civil suit in O.S.No.331 of 2010, on the file of the District Munsif Court, Melur as against the sixth respondent and others for injunction and the said suit is still pending. Similarly, the sixth respondent has also filed a civil suit in O.S.No.18 of 2011, on the file of the Subordinate Court, Madurai for declaration and injunction and the said suit is also pending before the trial Court.

4. In view of the pendency of the civil suits in respect of the land in dispute, it is open to the petitioner as well as the private respondents to contest the same on merits and in accordance with law.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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,
Madurai.



2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Madurai, Madurai District.

4.The Tahsildar,
Melur Taluk, Melur,
Madurai District.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-26450[F] dated 16/08/2021)

+1 CC to M/s.SPL GP (SR-26504[F] dated 17/08/2021)

W.P (MD) No.14511 of 2021
16.08.2021

SMV (CO)
SB (26.08.2021) 3P 7C