



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.15131 of 2021

and

W.M.P. (MD)No.12054 of 2021

P.G.Ravinath

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Block Development Officer,
Srivilliputhur Union Office,
Madavar Campuses,
Virudhunagar District.

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

4.The Panchayat President,
Kottaipatti Panchayat,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents 1 to 3 to remove the encroachment and stop the construction of public water tank by the fourth respondent in the petitioner patta land and restore the same in the earlier position in Old S.No.27/4B, new S.No.819/1, total extent of 11.5 cents respectively in Singampalpuram Village, Kottaipatti, Srivilliputhur Taluk, Virudhunagar District by considering the petitioner's representation dated 22.06.2021 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Chandrasekaran

For Respondents : Mr.B.Saravanan
Government Advocate
for R.1 to R.3



ORDER

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(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 respondents 1 to 3 to remove the encroachment and stop the construction of public water tank by the fourth respondent in the petitioner patta land and restore the same in the earlier position in Old S.No.27/4B, new S.No.819/1, total extent of 11.5 cents respectively in Singamalpuram Village, Kottaipatti, Srivilliputhur Taluk, Virudhunagar District by considering the petitioner's representation dated 22.06.2021 within a time frame.

2. It is the case of the petitioner that the land situated in Old S.No.27/4B, new S.No.819/1, is his patta land and that the fourth respondent had encroached into the same, hence, they should be evicted from the property in question.

3. When it is the case of the petitioner that the property in question belongs to him, the remedy open to the petitioner is to file a civil suit against the encroacher and obtain a decree.

4. In such view of the matter, we are not inclined to entertain the writ petition. Accordingly, the Writ Petition is disposed of, giving liberty to the petitioner to file a civil suit before an appropriate civil Court in accordance with law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

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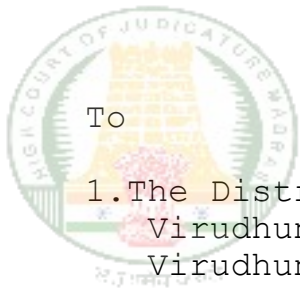
/ /2021

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,
Virudhunagar,
Virudhunagar District.

2.The Block Development Officer,
Srivilliputhur Union Office,
Madavar Campuses,
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3.The Tahsildar,
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4.The Panchayat President,
Kottaipatti Panchayat,
Srivilliputhur Taluk,
Virudhunagar District.

+1 CC to M/s.T.CHANDRASEKARAN, Advocate (SR-27249[F] dated
25/08/2021)

+1 CC to M/s.GP (SR-27361[F] dated 26/08/2021)

W.P (MD) No.15131 of 2021
25.08.2021

MGJ(03.09.2021) 3P 7C