



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.8682 of 2022
and W.M.P.No.8599 of 2022

Murugakumar

.. Petitioner

Vs.

- 1.The District Collector,
Salem.
- 2.The Revenue Divisional Officer,
RDO Office, Mettur, Salem District.
- 3.The Tahsildar,
Omalur Taluk, Salem District.
- 4.The Village Administrative Officer,
Muthunaickenpatty Village,
Omalur Taluk, Salem District.
- 5.Saravanan
- 6.Krishnamoorthy
- 7.Sivashankaran

.. Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment illegally occupied part by the respondents 5 to 7 in the road situated in Pudurkadampatty, Muthunaickenpatty Village, Omalur Taluk, Salem District in S.No.402/9, 402/10, 402/14 by considering the representation dated 10.11.2018 by the petitioner.

For Petitioner : Mr.T.Ganesan

For Respondents : Mr.A.Selvendran,
Special Government Pleader (R1 to R4)



O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment illegally occupied by the respondents 5 to 7 in the road situated in Pudurkadampatty, Muthunaickenpatty Village, Omalur Taluk, Salem District in S.No.402/9, 402/10, 402/14 by considering the representation dated 10.11.2018 by the petitioner.

2.On a reading of the affidavit filed in support of the petition, it could be seen that the petitioner has averred that the land alleged to have been encroached by the private respondents 5 to 7 is the only way to reach his house and due to the encroachment of the private respondents, they are unable to reach their houses. From the averments stated in the affidavit filed in support of the petition, it is clear that the dispute is between the petitioner and the private respondents. That being the case, the remedy open to the petitioner is only to file a Civil Suit as against the private respondents for removing the encroachment. In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

va

To

- 1.The District Collector,
Salem.
- 2.The Revenue Divisional Officer,
RDO Office, Mettur, Salem District.
- 3.The Tahsildar,
Omalar Taluk, Salem District.



4.The Village Administrative Officer,
Muthunaickenpatty Village,
Omalur Taluk, Salem District.

WEB COPY

+2cc to Mr.T.Ganesan, Advocate SR.No.25054

+1cc to the Government Pleader, SR.No.25295, 25099

W.P.No.8682 of 2022
and W.M.P.No.8599 of 2022

AJS (CO)
CB (25/04/2022)