



W.P.No.30622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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S.Kasi

.. Petitioner

v.

1. The District Collector  
Office of the Collectorate  
Dharmapuri District
2. The Revenue Divisional Officer  
Arur Revenue Divisional Office  
Dharmapuri District
3. The Tahsildar  
Pappireddypatti Taluk Office  
Dharmapuri District 636 905
4. Mr.Duraisamy  
S/o Mr.Kuppan



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5. Mrs.Mallika  
W/o Mr.Duraisamy

6. Mr.Raji  
S/o Mr.Kuppayan

7. Mrs.Lakshmi  
W/o Mr.Raji

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to consider petitioner's representation dated 09.05.2022 and evict the encroachers in the pathway in H.Pudupatti Village Survey No.63/1B within a stipulated period that may be fixed by this Hon'ble Court.

For Petitioner :: Mr.R.Balasubramanian

For Respondents :: Mr.P.Muthukumar  
State Government Pleader  
for R1 to R3

### ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by Mr.S.Kasi under Article 226 of the Constitution of India seeking the following prayer:-

"To issue a writ of mandamus, directing the



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3<sup>rd</sup> respondent to consider petitioner's representation dated 09.05.2022 and evict the encroachers in the pathway in H.Pudupatti Village Survey No.63/1B within a stipulated period that may be fixed by this Hon'ble Court."

2. When the matter was taken up, Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 to 3, drawing our notice to the copy of the revenue register, submitted that the land covered in Survey No.63/1B situated in H.Pudupatti village belongs to one Pattadhar-Mr.Raji Gounder. Therefore, the writ petition cannot be maintained, as the petitioner has to approach only the competent civil Court, if he is aggrieved.

3. We also agree with the contentions made by the learned State Government Pleader appearing for the respondents 1 to 3. When the copy of the revenue register produced before us shows that the land covered in Survey No.63/1B situated in H.Pudupatti village belongs to one Pattadhar-Mr.Raji Gounder, the petitioner cannot maintain the writ petition. Therefore,



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the writ petition is dismissed. It is for the petitioner to workout his remedy before the competent civil Court, if he is aggrieved. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.K.K.,J.)

Index : yes/no

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To

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THE HON'BLE ACTING CHIEF JUSTICE  
AND  
D.KRISHNAKUMAR,J.

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