



WEB COPY

W.P(MD)No.1853 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.1853 of 2022

Kalyani

... Petitioner

vs.

1) The District Collector,
Collector Office,
Madurai,
Madurai District.

2) The Revenue Divisional Officer,
Revenue Divisional Office,
East Madurai,
Madurai District.

3) The Tahsildar,
Tahsildar Office,
East Madurai Taluk,
Madurai District.

4) Umadevi

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to remove the encroachment put up by the 4th respondent in the style of putting up preventive fencing by an aid of asbestos sheet and thatched in the petitioner's lands embracing in Survey No.3/19, to an extent of 5 cents (Patta No.716) situated at Veerapanjan Village, Othakadi Taluk, Madurai District, based on petitioner's representation dated 10.01.2022.

For Petitioner : Mr.K.Srinivasaragavan

For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The petitioner is seeking direction to the 1st respondent to remove the encroachment put up by the 4th respondent by fencing her place with asbestos sheet.

<https://hcservices.ecourts.gov.in/hcservices/>



2. According to the petitioner, the said fencing is done within her patta land. It is also been brought to the knowledge of the revenue officials and it is stated that before the revenue officials also, the 4th respondent refused to remove the fencing put up by her.

3. So, from the above facts, it is evident that this is a dispute between the two private individuals regarding the boundaries of their respective properties which can be redressed before a civil court. Admittedly, it is not a public pathway or it is a water body where the officials can step in. The photographs provided in the typedset also make it clear that there has been an asbestos fencing between the properties of the petitioner and the 4th respondent. It is only the removal of which is now in dispute. Mandamus cannot be issued for such private dispute. It is open to the petitioner to work out her remedy before the civil court.

4. Therefore, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

bala

To

- 1) The District Collector,
Collector Office,
Madurai, Madurai District.
- 2) The Revenue Divisional Officer,
Revenue Divisional Office,
East Madurai, Madurai District.
- 3) The Tahsildar,
Tahsildar Office,
East Madurai Taluk, Madurai District.

+1 CC to M/s.SPLGP (SR-3650[F] dated 02/02/2022)

W.P(MD)No.1853 of 2022

DATED : 01.02.2022

RK(10/02/2022) 2P 5C