



WEB COPY

W.P(MD)No. 4827 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No. 4827 of 2022

R.Balakrishnan

.. Petitioner

Vs

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Madurai Division,
Madurai District.
3. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.
4. The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.
5. Moovenderpandi
6. Bala

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Respondents 1 to 4 to remove the encroachment made by the 5th and 6th Respondents in Survey Nos.429/90, 429/93 and 429/97 of Palamarathan Nagar Village, T.Vadipatti Taluk, Madurai District, within the stipulated time to be fixed by this Hon'ble Court.

For Petitioner

: Mr.SP.Vijay Nivas

For Respondents

: Mr.S.Shaji Bino

Special Government Pleader
for R1 to R4



ORDER

(Made by PARESH UPADHYAY, J.)

This petition is styled as public interest litigation.

2. Learned advocate for the petitioner has submitted that, the private respondents had encroached the pathway which on his representation is removed, however there is also a well, which should also be filled-in and closed. During the course of hearing, it is submitted that children are playing there and it may lead to some accident also. It is submitted that, the State Authorities be directed to close the well.

3. Having heard learned advocate for the petitioner and having considering the material on record this Court finds that, on behalf of the petitioner, different stands are taken to suit his convenience. On one hand, it is agitated that, people should be allowed to use the well. At the same time, it is submitted that, children may fall into the well. If the petition is filed by aforesaid public spirited person, proper fencing can also be done by him, if he desires. The dispute between the petitioner and private respondents, if any, should not be encouraged by giving a tool in the hands of the petitioner under Article 226 of the Constitution of India.

4. For the above reasons, this petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Madurai Division, Madurai District.
3. The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai.



4. The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.

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+1 CC to M/s.SPL GP (SR-13450[F] dated 22/03/2022)

+1 CC to M/s.SP.VIJAYNIVAS, Advocate (SR-13594[F] dated
22/03/2022)

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