



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 8954 of 2022

U.Sabeer

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Madurai.
2. The Commissioner,
Madurai City Municipal Corporation,
Madurai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Madurai.
4. D.Muthukumar,
K.K.Builders,
Sun Flower Apartment, No.1-K-S,
Mandapam Cross Road, Regina Hospital Lane,
Keelpakkam, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 to consider the petitioner's representation dated 04.02.2022 and take necessary action in accordance with law against the fourth respondent.

For Petitioner	: Mr.M.Shakul Hameed
For R-1 & R-3	: Mr.M.Sarangan, Additional Government Pleader.
For R-2	: Mr.K.K.Kannan, Standing counsel.

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 3 and the learned Standing counsel appearing for the second respondent.

2. The petitioner has given a complaint on 04.02.2022 before the respondent authorities alleging that the fourth respondent is trying to trespass into the subject property. The case of the petitioner is that the said property belongs to Fathima Beevi and that she filed O.S.No.701 of 1992 before the Principal District Munsif Court, Madurai and obtained decree on 30.01.1995. The petitioner is said to be her power agent.



3. I went through the contents of the decree. One Jaithoon Beevi has been shown as the defendant. It is stated that Jaithoon Beevi was the mother of the said Fathima Beevi. Be that as it may, it is not the case of the petitioner that the fourth respondent claims title under Jaithoon Beevi against whom the decree was passed. The fourth respondent appears to be a stranger to the suit proceedings. It is a classic civil dispute.

4. The petitioner has to necessarily move the jurisdictional civil Court for appropriate relief. If according to the petitioner the decree has been violated, then the remedy is elsewhere. Knocking the doors of the respondent authority or filing the writ petition is thoroughly misconceived.

5. Leaving open the petitioner's right to move the jurisdictional civil Court, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The District Collector,
Office of the District Collector,
Madurai.
2. The Commissioner,
Madurai City Municipal Corporation,
Madurai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-24485[F] dated 07/06/2022)

+1 CC to M/s.SPL.GP (SR-24898[F] dated 09/06/2022)

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