



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

W.P. (MD)No.12382 of 2022

G.Senthilkumar : Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai

2.The Tahsildar,
O/o. The Tahsildar Sivagangai
Sivagangai

3.The Correspondent
M/s.Vivekananda Matriculation School
Mettupatti Village, Keelapoongudi Post
Sivagangai District : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation of the petitioner dated 16.04.2022.

For Petitioner : Mr.M.Ganesan

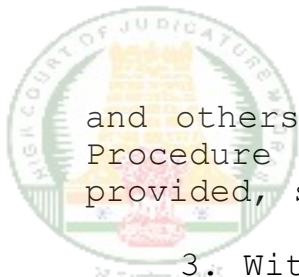
For Respondents : Mr.D.Sadiq Raja
Nos.1 & 2 Additional Government Pleader

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Alleging that the respondent No.3 has made encroachments in S.No.192/4 in Mettupatti Village, Sivagangai Taluk, Sivagangai District, the petitioner has given a representation and thereafter filed the present writ petition for a direction to the respondent Nos.1 and 2 to dispose of the representation.

2. In the opinion of this Court, a mandamus can be issued only to direct the public authorities to perform a statutory duty. There is no statutory duty cast upon the respondents 1 and 2 to dispose of the representation. That apart, if the petitioner is of the view that there has been encroachments by the third respondent in a cart way, it is always open to the petitioner, who himself is a Lawyer,



and others, to file a suit under Section 91 of the Code of Civil Procedure for removal of encroachments in the manner known to law, provided, such suit is within limitation.

3. With this observation, the writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RR

To

1.The District Collector,
Office of the District Collector,
Sivagangai

2.The Tahsildar,
O/o. The Tahsildar Sivagangai
Sivagangai

+1 CC to M/s.SPL.GP (SR-27134[F] dated 21/06/2022)

+1 CC to M/s.M. GANESAN, Advocate (SR-27428[F] dated 22/06/2022)

Order made in
W.P. (MD) No.12382 of 2022
20.06.2022

vr(CO)

TR(28.06.2022) 2P 5C