



W.P(MD) No.13711 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.13711 of 2022

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... Petitioner

-VS-

1.The District Collector,
Madurai - 625020.

2.The Revenue Divisional Officer,
Usilampatti, Madurai.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.Theivakani

5.Malar

6.Sivapandeswari

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to consider petitioner's representation dated 10.02.2022 addressed to the second respondent and to take appropriate eviction action against the



W.P(MD) No.13711 of 2022

encroachers / respondents 4 to 6 by surveying the newly formed and excavated new tank in Survey No.370/2 in Uthapanaickanoor Village, Usilampatti Taluk at Madurai District and to remove such encroachments.

For Petitioner : Mr.M.Gurudas

For Respondents : Mr.D.Sadiq Raja,
Addl. Government Pleader
for R1 to R3

ORDER

(Made by P.N.PRAKASH, J.)

Alleging that the respondents 4 to 6 have made encroachments in Survey No.370/2 in Uthapanaickanoor Village, Usilampatti Taluk, Madurai District, the present public interest litigation has been filed for a direction to respondents 1 to 3 to remove the said encroachments.

2. Even according to the petitioner, a valid patta has been issued to the respondents 4 to 6 for Survey Nos.370/3, 370/4, 370/1B and 370/5. However, there are no satisfactory materials placed before us to show that the respondents 4 to 6 have made encroachments as alleged by the petitioner. That apart, a mandamus cannot be issued directing the respondents to dispose of the representation of the petitioner, as there is



W.P(MD) No.13711 of 2022

no public duty cast upon the respondents in this regard. If the petitioner is really aggrieved, he and others can join together and file a suit invoking Section 91 C.P.C.

3. In view of the above, this writ petition is dismissed as being devoid of merits. No costs.

[P.N.P., J.] [R.V., J.]
30.06.2022

Index : Yes / No
Internet : Yes / No

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W.P(MD) No.13711 of 2022

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