



W.P.(MD)No.14966 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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P.Lakshmanan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tashildar,
Natham Taluk,
Dindigul District.

4.Palanichamy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents No.1, 2 & 3 to evict the encroachment made by the 4th Respondent in the Dindigul District, Natham Taluk, Senthurai Village, Survey No. 425/4, by considering the Representation dated 12.04.2022 within the period that may be stipulated by this Hon'ble Court.



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For Petitioner

: Mr.B.Senthil Kumar

For Respondent

: Mr.S.P.Maharajan

Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to evict the encroachment made by the 4th Respondent in the Dindigul District, Natham Taluk, Senthurai Village, Survey No.425/4, by considering the petitioner's representation dated 12.04.2022

2. Heard Mr.B.Senthil Kumar, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 to 3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. From the representation of the petitioner dated 12.04.2022 and the affidavit filed in support of the writ petition, it is seen that the petitioner is the pattadar of land in S.Nos.525/5 and



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426/2B at Senthurai Village, Natham Taluk, Dindigul District, with an extent of 2 Acres and 15 Cents. It is the grievance of the petitioner that the 4th respondent has encroached the pathway, which is being enjoyed by the petitioner to have access to his own patta land. Therefore, the petitioner sent the representation to the official respondents to remove the encroachment in the cart track/ pathway. The petitioner has not described the land with reference to the survey number in his representation. However, the affidavit filed in support of the petition shows that the encroachment is in S.No.425/4.

4. Learned Special Government Pleader appearing for the respondents 1 to 3 on instructions submitted that the cart track / path way is a pucca road, which is in existence in S.No.425/4 and there is no encroachment in the said survey field.

5. The case of the petitioner that the fourth respondent has encroached into the cart track / pathway in S.No. 425/4 is not supported by any evidence. The photograph shows that there is pucca Tar road. In the said circumstances, this Court is unable to find any cause for the writ petition.



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6. Learned Special Government Pleader appearing for the respondents 1 to 3 states that the petitioner claims to be the owner only in respect of S.Nos.425/5 and 426/2B, however, S.No. 425/5 has been sub-divided into S.Nos.425/5A, 525/5B and 425/5C and the updated revenue records show that the fourth respondent is the owner of S.Nos.525/5A and 426/2B.

7. The case of the petitioner as stated in the affidavit filed in support of the petition is contrary to the revenue records and the petitioner has approached this Court with unclean hands. Therefore, recording the above submissions of learned Special Government Pleader, the writ Petition is dismissed. However, it is open to the petitioner to approach the civil Court to establish his rights in the manner known to law. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
12.07.2022

Index : Yes / No
sj

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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

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