



W.P.(MD)No.20727 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :02.09.2022

CORAM:

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

W.P.(MD)No.20727 of 2022

Nattathi Nadar Uavinmurai Sangam,
Reg. No.45/2013,
Through its Secretary,
Mr.N.Jeyabal

... Petitioner

Vs

1. The Commissioner,
Madurai City Municipal Corporation Office,
Madurai.

2. The Executive Officer,
Municipal Corporation Office,
Elumalai.

3. The Thasildar,
Taluk Office,
Peraiyur.

4. Assistant Taluk Engineer,
Construction and Maintenance,
Highways Department,
Peraiyur.

... Respondents



W.P.(MD)No.20727 of 2022

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the 5th respondent in Survey No.704/4, Elumalai, Peraiyur Taluk, Madurai District and hand over the property to this petitioner society within the time stipulated by this Honourable Court.

For Petitioner	: Mr.M.Vijayarathinam
For Respondents	: Mr.K.K.Kannan(For R-1) Standing Counsel Mr.N.Satheesh Kumar,(For R-3 & R-4) Additional 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 to remove the encroachment in Survey No.704/4, Elumalai, Peraiyur Taluk, Madurai District and hand-over the property to the petitioner Society.

2. Heard Mr.M.Vijayarathinam, learned counsel for the petitioner, Mr.K.K.Kannan, learned standing counsel, who takes notice for the first respondent and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for respondents 3 and 4.



W.P.(MD)No.20727 of 2022

3. Allegations are made by the petitioner as if the petitioner's property in Survey No.704/4 in Elumalai, Peraiyur Taluk, Madurai District, is being encroached by a private individual the fifth respondent herein and therefore, the petitioner seeks removal of encroachment in the property of the petitioner. It is not permissible as the official respondents have no jurisdiction or authorization under any enactment to remove encroachment in any private patta land.

4. In that view of the matter, having regard to the facts stated in the affidavit filed in support of this writ petition and particularly the prayer in the writ petition, this Court is unable to entertain this writ petition. Hence, this writ petition is dismissed. However, if the petitioner finds any encroachment in any public land, it is open to the petitioner to submit a representation to the Tahsildar concerned or the local body as the case may be, who is competent to initiate proceedings under appropriate enactment to remove such encroachment. No Costs.

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

02.09.2022

Index : Yes / No

pm



W.P.(MD)No.20727 of 2022

To:

1. The Thasildar,
Taluk Office,
Peraiyur.

2. Assistant Taluk Engineer,
Construction and Maintenance,
Highways Department,
Peraiyur.



WEB COPY



W.P.(MD)No.20727 of 2022

S.S.SUNDAR, J.
and
S.SRIMATHY, J.
pm

W.P(MD)No.20727 of 2022

02.09.2022