



WP No.15190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

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Munusamy

... Petitioner

versus

1.The District Superintendent of Police,
Dharmapuri District

2.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District

3.Rajendran

4.Govindaraj

5.Narayanan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner representation dated 18.03.2023 and to take appropriate action to remove the encroachment made by the 3 to 6.

For the Petitioner : Mr.L.Ramu

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 and 2



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ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.L.Ramu, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 and 2.

2. The petitioner has purchased the property registered under the sale deed. Learned counsel for the petitioner submits that respondents 3 to 6 have encroached upon the said property.

3. If an encroachment is by a private person on a private property, then the remedy would be before civil court and not writ jurisdiction, under Article 226 of the Constitution of India.

4. In light of that, the Writ Petition is disposed of, with liberty to the petitioner to avail the alternate remedy. In that event, all contentions are kept open. There will be no order as to costs.

(S.V.G., C.J.)

(P.D.A., J.)

12.06.2023

Index : yes/no
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESAVALU, J.

(tar)

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