



W.P.No.24198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM :

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

AND

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

W.P.No.24198 of 2023

The Valparai Co-operative Urban Bank Ltd.,
rep. by its Co-operative Sub Registrar R.Jayakumar,
Valarai Post,
Coimbatore-642 127.

.. Petitioner

Vs

- 1.The District Collector,
Coimbatore Collectorate,
Gopalapuram, Coimbatore-641 018.
- 2.The Revenue Divisional Officer,
Anna Bus Stand Road,
Pollachi, Coimbatore-642 001.
- 3.The Tahsildar,
Valparai Taluk Office, MGR Nagar,
Valparai, Coimbatore-642 127.
- 4.The Superintendent of Police,
State Bank Road, Gopalapuram,
Coimbatore-641 018.
- 5.Jemi Jesudayal



W.P.No.24198 of 2023

6.Nallammal

7.Vanajamary

8.Muneeswar Raja

9.Mathin Henry

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to stop immediate action or remove the encroachment based on the representation given by the petitioner dated 16.05.2023.

For the Petitioner : Ms.R.Anagalaparameswari

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.P.Muthukumar
State Government Pleader
and Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.1 to 3

: Mr.R.Muniyapparaj
Addl. Public Prosecutor
assisted by
Mr.M.Sylvester John
for respondent No.4



W.P.No.24198 of 2023

ORDER

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

We have heard Ms.R.Angalaparameswari, learned counsel for the petitioner; Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.P.Muthukumar, learned State Government Pleader and Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3 and, Mr.R.Muniyapparaj, learned Additional Public Prosecutor, assisted by Mr.M.Sylvester John for respondent No.4.

2. Encroachment is alleged on the private property of the petitioner.

3. For removal of encroachment on the private property, this Court would not exercise writ jurisdiction under Article 226 of the Constitution of India. The remedy is filing of civil suit.

4. Learned counsel for the petitioner submits that civil suit bearing O.S.No.3 of 2005 is already filed before the Subordinate Court, Pollachi and the same is decreed on 21.8.2007. However, the



W.P.No.24198 of 2023

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private respondents are committing encroachments.

5. If the petitioner is armed with the decree of civil court, the petitioner may execute the said decree in accordance with law.

6. With these observations, the writ petition is disposed of.
There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.24198 of 2023

THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU,J.

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W.P.No.24198 of 2023

18.08.2023