



W.P.No.20749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM :

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

AND

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

W.P.No.20749 of 2023

V.MURUGESAN

.. Petitioner

Vs

1 THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR
SALEM – 636 001.

2 THE REVENUE TAHSILDAR
OFFICE OF THE REVENUE TAHSILDAR
SALEM - 636 010.

3 S.MANIMURUGAN
4 M.DEIVAM

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to remove the illegal encroachment of the 3rd and 4th respondents in S.No. 169/A, 2B land in No.27 situated at Periyakavundapuram Village of Salem District with the provisions of Town and Country Planning Act and TamilNadu Panchayat Building



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Rule, 1997 on the basis of petitioner's representation dated 27.03.2023 within a stipulated time.

For the Petitioner : Mr.M.Anantharaj
For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for respondents 1 and 2

ORDER

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

We have heard Mr.M.Anantharaj, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondents 1 and 2.

2. The prayer is made to remove the encroachment of respondents 3 and 4 in Survey No.169/A, 2B in No.27, situated at Periyakavundapuram Village of Salem District.

3. Learned counsel for the petitioner submits that the property owned by the petitioner and the common pathway exist in the writ



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land. The encroachment is made by respondents 3 and 4.

4. The dispute appears to be over the private property of the persons. If the dispute is with regard to the private property, the writ petition would not be tenable. The petitioner has a remedy before the civil court. He may avail the remedy before the civil court or before the authority as may be permissible under law. In that event, all contentions are kept open.

The writ petition is disposed of accordingly. There will be no order as to costs.

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

(P.D.A., J.)

14.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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

(sasi)

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