



W.P.(MD) No.3342 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3342 of 2023

M.Gundumalai

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.R.Jeyapal

3.S.Rajalingam

4.B.Senthilkumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent i.e., the District Collector, Sivagangai to remove the planted stones, wire fences, compound wall and over

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head tank which was illegally done by the respondents 2 to 4 in S.No.63/13, S.No.68/1B and S.No.63/12B of Chottathatti Village, Thirupuvanam Taluk, Sivagangai District, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Thilak Kumar (R1)
Government Pleader

Mr.A.M.Karuppasamy (R2)

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed seeking for a direction to the first respondent to remove the planted stones, wire fences, compound wall and over head tank, which was illegally done by the respondents 2 to 4 in S.No.63/13, S.No.68/1B and S.No.63/12B of Chottathatti Village, Thirupuvanam Taluk, Sivagangai District, within a time frame fixed by this Court.



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WEB COPY 2. Heard Mr.S.Visvalingam, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the first respondent and Mr.A.M.Karuppasamy, learned Standing Counsel, who takes notice for the second respondent.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the respondents 2 to 4 have made encroachments in the aforesaid survey numbers. In this regard, though the petitioner made a representation on 12.10.2022 to the first respondent seeking to remove the aforesaid encroachments, till date, no action has been taken by the first respondent for removal of the same. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Pleader appearing for the first respondent submitted that the lands in question stand in the name of the individuals persons



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and there is no encroachment as alleged by the petitioner and therefore, this Writ Petition is liable to be dismissed. He has also produced the revenue records to that effect.

6. On a perusal of the revenue records, it is seen that the property in S.No. 63/13 stands in the name of one Tamil Selvi, the property in S.No.63/12B stands in the name of Kamaraj and the property in S.No.68/1B stands in the name of Senthilkumar. Since the property in question belongs to the private parties, we are of the view that the prayer sought for by the petitioner is not maintainable and therefore, the same is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. No costs.

[D.K.K., J.] [L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

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To

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