



WEB COPY

W.P.(MD) No.11109 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.11109 of 2023

N.Jamuna

... Petitioner

-vs-

1.The District Collector
Madurai District

2.The Revenue Divisional Officer
Madurai District

3.The Corporation Commissioner
Zone-2
Corporation Commissioner Office
Anna Maligai
Madurai District

4.The Town Surveyor
Zone-2
Corporation Commissioner Office
Anna Maligai
Madurai District

5.S.Kundumalai

... Respondents



WEB COPY

W.P.(MD) No.11109 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to consider petitioner's representation dated 07.05.2022 and 03.02.2023 demanding for survey the common lane and remove the encroachment made by the fifth respondent within a time stipulated by this Court.

For Petitioner : Mr.S.Raja Mohamed
for M/s.Mohamed Associates

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2
Mr.K.K.Kannan
Standing Counsel for R3 & R4
Mr.RM.Arun Swaminathan for R5

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in this writ petition is to direct the third respondent to conduct a survey and remove the encroachment made by the fifth respondent in the common lane.



WEB COPY

W.P.(MD) No.11109 of 2023

2. Today, when the matter was taken up for hearing, learned Standing Counsel appearing for the respondent – Corporation submitted that the subject lane is a private patta land and therefore, directing the official respondents to remove the encroachment in a common lane does not arise.

3. In view of the above submission, we find no reason to consider the relief as such sought for in this writ petition. If at all the petitioner is aggrieved from and out of the encroachment by private individual, if any, it is for him to approach the competent Civil Court and work out his remedy in the manner known to law.

4. Accordingly, this writ petition is dismissed. No costs.

[S.M.S., J.]

[V.L.N., J.]

04.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

Page 3 of 5



W.P.(MD) No.11109 of 2023

WEB COPY

To:

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Madurai District.



WEB COPY



W.P.(MD) No.11109 of 2023

S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.P.(MD) No.11109 of 2023

04.10.2023