



W.P(MD)No.10791 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.08.2023**

**CORAM :**

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE  
and  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.10791 of 2023  
and  
W.M.P(MD)No.9484 of 2023**

R.R.Premkumar

... Petitioner

vs.

1. The Commissioner,  
Aranthangi Municipality,  
Pudukottai District.

2. Balaji

3. Balachandran

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to remove/demolish the unauthorized construction made by the respondents 2 and 3 in Sri Ramar Bajanai Mutt's property comprised in Survey No.18/3 measuring to an extent of 4 cents at Aranthangi Town, Pudukottai District, as per Section 216 of the Tamil Nadu District Municipalities Act, 1920, by considering the petitioner's representation dated 23.04.2021.

For Petitioner : Mr.T.Dhandapani  
For R1 : Mr.S.Kameshwaran  
For R2 & R3 : Ms.C.Bharathi



W.P(MD)No.10791 of 2023

**ORDER**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

The petitioner seeks a direction to demolish the unauthorised construction made by the respondents 2 and 3 in Sri Ramar Bajanai Mutt's property comprised in Survey No.18/3.

2. Heard Mr.T.Dhandapani, learned counsel appearing for the petitioner, Mr.S.Kameshwaran, learned counsel appearing for the first respondent and Ms.C.Bharathi, learned counsel appearing for the respondents 2 and 3.

3. The present writ petition is misconceived. The petitioner earlier filed writ petition bearing No.15212 of 2021 for removing/demolishing the unauthorised construction made by the respondents 2 and 3 in Sri Ramar Bajanai Mutt's property comprised in Survey No.18/3.

4. Precisely, the relief claimed in the present writ petition was claimed in the earlier writ petition. This Court dismissed the writ petition observing that if the owner of the land namely, Sri Ramar Bajanai Mutt is aggrieved over the encroachment made by the private



**W.P(MD)No.10791 of 2023**

respondents, the remedy open to them is to file a civil suit and get the encroachment removed.

5. The prayer in the earlier writ petition bearing No.15212 of 2021 and the present writ petition is identical.

6. In the light of the above, the Writ Petition stands dismissed.  
No costs. Connected miscellaneous petition is closed.

**[S.V.G., C.J.]**

**[C.K., J.]**

**30.08.2023**

Index : Yes / No  
Neutral Citation : Yes / No  
bala

To

The Commissioner,  
Aranthangi Municipality,  
Pudukottai District.



WEB COPY



**W.P(MD)No.10791 of 2023**

**THE HONOURABLE CHIEF JUSTICE**  
**and**  
**C.KUMARAPPAN, J.**

bala

**W.P(MD)No.10791 of 2023**

**30.08.2023**