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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.15204 of 2023

S.Vellaikannu

... Petitioner

vs.

1.The Revenue Divisional Officer,
Dindigul Division, Sub Collector Office Road,
Dindigul-3.

2.The Tahsildar,
Natham Taluk, Dindigul Road,
Natham, Dindigul District.

3.The President,
Avichipati Village Panchayat,
Natham Taluk, Dindigul District.

4.The Inspector of Police,
Natham Police Station, Dindigul District.

5.Subbapillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, for a direction to the respondents No.1 to 3 to conduct a Peace Committee meeting to avoid Law and Order Problem and ensuring consequences 5th respondent in



residing in the dilapidated house which will endanger to his life and his family and the necessity to renew the house of the petitioner bearing door No.3/99 in Natham Survey No.28/3, New Survey No.95/10 to an extent of 721 square feet by considering the representation of the petitioner dated 06.06.2023 within a time frame fixed by this Court.

For Petitioner :Mr.R.Gowrishankar
For R1, R2 and R4:Ms.D.Farjana Ghousia
Special Government Pleader
For R3 :Mr.G.Sivaraja
Government Advocate

ORDER

Heard Mr.R.Gowrishankar, learned Counsel for the petitioner, Ms.D.Farjana Ghousia, learned Special Government Pleader for the respondents 1, 2 and 4 and Mr.G.Sivaraja, learned Government Advocate for the third respondent.

2.The petitioner and the fifth respondent are in occupation of the very same property at door No.3/99 Vellalar Street, Avichipatti Village, Natham Taluk and Dindigul District. The petitioner is however actually residing outside at Plot No.74, Neelamegam Nagar, Y.Othakadai, Madurai.



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4.The petitioner apprehends that the house at door No.3/99 Vellalar Street, Avichipatti Village, Natham Taluk and District District, will fall down.

5.This Court cannot come to the rescue on this particular aspect. The petitioner is the title holder. If somebody else is in occupation of the house in which he holds title, then he must institute a suit for recovery of possession. Instead of taking recourse to that particular aspect and claiming that the fifth respondent is a gratuitous occupier, the Writ Petition has been filed. This Court cannot pass any orders directing anybody from vacating any place. It is for the individual, who has such cause, who can file a suit seeking recovery of possession. The Writ Court cannot pass any orders.

6.The Writ Petition stands dismissed. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

26.06.2023

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.15204 of 2023

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