



W.P.(MD) No.16606 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.16606 of 2023

Veerasakthivel

... Petitioner

-vs-

- 1.The District Collector
Trichirappalli District
Trichirappalli
- 2.The Director of Panchayat
Trichirappalli District
Trichirappalli
- 3.The Tahsildar
Sirangam Tahsildar
Tirchirappalli
- 4.The Block Development Officer
Anthanallur Panchayat Union Office
Jeeyapuram, Trichirappalli District
- 5.The President
Thirupparaithurai Panchayat Office
Srirangam Taluk
Tiruchirappalli District



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6.Manikkam

7.Manokaran

8.Viswanathan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 5 to remove and demolish unauthorized building construction made by the respondents 5 to 8 in Survey No.25/2, in Patta No.676, in extent of 0.01.92 at Kamarajar Nagar, Thirupparainthurai Village, Srirangam Taluk, Trichirappalli, based on the petitioner's representation dated 11.03.2023, within a time stipulated by this Court.

For Petitioner : Mr.T.P.Balasubramanian

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R1 to R3
Mr.J.K.Jeyaseelan
Government Advocate for R4 & R5

ORDER

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

Mr.T.Villavan Kothai, learned Additional Government Pleader, takes notice for the respondents 1 to 3 and Mr.J.K.Jeyaseelan, learned Government Advocate, takes notice for the respondents 4 & 5.



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2. This writ petition is filed for issuance of a writ of mandamus directing the respondents 1 to 5 to remove and demolish the unauthorized building construction made by the respondents 6 to 8 in Survey No.25/2, in Patta No.676, of Thirupparaithurai Village, Srirangam Taluk, Trichirappalli District.

3. It is the case of the petitioner that an extent of 0.01.92 Hectares in Survey No.25/2 in Kamarajar Nagar, is encroached by the respondents 6 to 8 and that they have also put up a construction.

4. The encroachment alleged is in a private patta land. Though the petitioner states that the construction put up by the respondents 6 to 8 is not as per the approved plan, his grievance is about the encroachment by the third parties in his own private property. The officials can take, initiate action for removal of encroachment, only if it is in a public land. The petitioner's main grievance being removal of encroachment in his own land, he is entitled to approach the Civil Court for declaration of his title and recovery of possession. Since the petitioner has an effective alternative remedy of approaching the Civil Court to vent his grievance, this Court is not inclined to entertain this writ petition.



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

[S.S.S.R., J.]

[D.B.C., J.]

11.07.2023

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

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