



W.P.(MD)No.16654 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.16654 of 2023

T.Kanagaraj

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabapuram, Thakkalai,
Kanniyakumari District.

3.The Tahsildar,
Vilavancode Zone,
Kuzhithurai, Kanniyakumari District.

4.The Village Administration Officer,
Vilathurai Village, Kappukadu Post,
Kanniyakumari District.

5.Omana

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment



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made by the 5th respondent in New.S.No.349/8B1C situated at Marayappapuram, Vilathurai Village, Vilavancode Taluk, Kanniyakumari District by considering the petitioner's representation dated 09.01.2023 within a time stipulated by this Court.

For Petitioner : Mr.S.Eraskine Leo
For R1 to R4 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

(Order of the Court was made by ***S.S.SUNDAR, J.***)

This Writ Petition has been filed for a direction to the respondents 1 to 4 to remove the encroachment made by the 5th respondent in New.S.No.349/8B1C situated at Marayappapuram, Vilathurai Village, Vilavancode Taluk, Kanniyakumari District, by considering the petitioner's representation dated 09.01.2023 within a time stipulated by this Court.

2.Mr.M.Lingadurai, learned Special Government Pleader takes notice on behalf of the respondents 1 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

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



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4.From the nature of dispute stated in the affidavit and the representation of the petitioner dated 09.01.2023, this Court finds that the dispute is between the petitioner and the 3rd parties in relation to a passage, which, according to the petitioner, is his exclusive property. The allegation is that the 5th respondent has put up a compound wall in front of the petitioner's gate, obstructing his access. A police complaint is also lodged by the petitioner against the 5th respondent. Since the petitioner has already given a complaint against the individuals, who have caused obstructions to his enjoyment and the relief now the petitioner wants or seeks in the Writ Petition is against third parties and not against the official respondents, this Court finds that the petitioner cannot maintain this Writ Petition under the guise of Public Interest Litigation. This Writ Petition, therefore, is dismissed with liberty to the petitioner to approach the Civil Court for appropriate relief against the persons, who are interfering with the rights of the petitioner. No costs.

(S.S.S.R., J.) & (D.B.C., J.)

11.07.2023

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

Yuva

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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

Yuva

To

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- 3.The Tahsildar,
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