



W.P.(MD)No.5061 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5061 of 2016
and
W.M.P.(MD)No.4505 of 2016

Paremeswari

... Petitioner

versus

1. The Thasildhar,
Madurai North Taluk,
Madurai District.
2. The President,
Y.Othakadai Panchayat,
Madurai East Taluk,
Madurai District.
(cause title amended vide order
dated 24.03.2016 in W.M.P.(MD)
No.4861/16)

... Respondent

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of writ of Mandamus, forbearing the
respondents from forcibly demolishing the house building situated in



W.P.(MD)No.5061 of 2016

Survey No.140 to the extent of 160 sq. ft. adjacent to the petitioner's house in Plot No.5 Kodikulam 1st Bit Village, Madurai East Taluk, Madurai District.

(prayer amended vide order dated 24.03.2016 in W.M.P.(MD)No.4861 of 2016)

For Petitioner : Mr.S.Saravana Kumar
For Respondents : Mr.J.K.Jeyaseelan
Government Advocate

ORDER

This writ petition is filed for a mandamus, forbearing the respondents from forcibly demolishing the house building situated in Survey No.140 to an extent of 160 sq. ft. adjacent to the petitioner's house in Plot No.5, Kodikulam 1st Bit Village, Madurai East Taluk, Madurai District.

2. The learned counsel appearing for the petitioner submits that the 2nd respondent, with vengeance, is attempting to demolish the petitioner's house and therefore, the petitioner has approached this Court.



W.P.(MD)No.5061 of 2016

3. The learned Government Advocate appearing for the respondents submits that the petitioner has put up a construction in a common pathway, which is leading to a Panchayat Union Primary School. Therefore, the respondents have initiated action by issuing notice and thereafter, they have also removed the obstruction portion in the presence of the petitioner.

4. If the petitioner is having any grievance with regard to the right over the property, he is at liberty to work out his remedy before the concerned Court by filing a suit.

5. With such liberty, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2023

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



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W.P.(MD)No.5061 of 2016

B.PUGALENDHI, J.

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