



W.P.(MD) No.111 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.111 of 2023

M.Sri Devi

... Petitioner

-Vs-

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Commissioner,
Kadayanallur Municipality,
Tenkasi District.

3.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

4.R.Saravanakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made upon the 4th respondent, namely, Saravanakumar, son of Rajaih, in Survey

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WEB C No.791, Indra Nagar, New Colony, EB Back side, Mela Kadayanallur, Tenkasi District by considering the petitioner's representation dated 21.10.2021.

For Petitioner : Mr.M.Beema Rao

For R1 to R3 : Mr.M.Sarangan,

Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Survey No.791, Indra Nagar, New Colony, EB Back side, Mela Kadayanallur, Tenkasi District by considering the petitioner's representation dated 21.10.2021.

2.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondents 1 to 3. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 4th respondent is dispensed with.

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

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4.The learned Additional Government Pleader appearing for the respondents 1 to 3 has produced the proceedings of the 2nd respondent dated 21.07.2022 and submitted that the land in question is nothing but a private patta land, which comes under the unapproved layout and there is no encroachment as alleged by the petitioner.

5.Per contra, the learned counsel for the petitioner submitted that the land in question is a public road.

6.In view of the above, we are of the view that the contention of the petitioner is contrary to the fact. Therefore, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed, however, with liberty to the petitioner to seek her remedy, if so, before the appropriate forum.
No costs.

[D.K.K., J.] & [R.V., J.]
04.01.2023

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

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

To

- 1.The District Collector,
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