



W.P.(MD) No.28016 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.28016 of 2023

R.Vellaichamy

... Petitioner

-vs-

1.The District Collector
Ramanathapuram District
Ramanathapuram

2.The Revenue Divisional Officer
Ramanathapuram District
Ramanathapuram

3.The Tahsildar
Ramanathapuram District
Ramanathapuram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to consider the representation given by the petitioner dated 14.11.2023.



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For Petitioner : Mr.A.Arun Ramnath

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that an illegal construction has been commenced in the land owned by the petitioner. A representation has been given to the authorities seeking to prevent such illegal construction, but cognizance has not been taken on the representation.

3. Writ jurisdiction under Article 226 of the Constitution of India cannot be invoked if a private person makes an unauthorised construction in a private land of another or trespasses on the land of another. The appropriate remedy would be a suit. If the Government Authorities erect any illegal construction, that could have been considered, however, that too, if the facts and circumstances warrant.



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4. The petitioner may avail the remedy available before the Civil Court or such other Forum, as may be permissible in law. In that event, all contentions are kept open.

5. The writ petition, accordingly, is disposed of. No costs.

[S.V.G., .C.J.]

[K.K.R.K., J.]

28.11.2023

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

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To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Ramanathapuram District,
Ramanathapuram.



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THE HONOURABLE CHIEF JUSTICE
and
K.K.RAMAKRISHNAN, J.

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