



WEB COPY



W.P.No.15676 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.15676 of 2021

R. Saroja

... Petitioner

Vs.

1. The District Collector,
O/o. The Salem District Collectorate,
Salem District.

2. The Tahsildar,
Gengavalli Taluk,
Salem District.

3. The Village Administrative Officer,
Veeraganur Town Panchayat,
Gengavalli Taluk,
Salem District.

4. The Executive Officer,
Veeraganur Town Panchayat,
Gengavalli Taluk,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st and 4th respondents to pass the orders on the representation dated 18.08.2020 by removing the



W.P.No.15676 of 2017

Tamarind Tree from the back side petitioner's house at No.1/14, Kizhakku Theru, Veeraganur Town Panchayat, Gengavalli Taluk, Salem District - 636 116.

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For Petitioner : Mr. T. Velu

For Respondents : Mr. S. Jayachandran
Government Advocate
for R1 and R3

Mr. S. Arumugam
for R4

ORDER

This Writ Petition has been filed for a direction, directing the respondent Nos.1 and 4 to consider the representation submitted by the petitioner, seeking removal of tamarind tree situated beyond the house of the petitioner.

2. The petitioner owned house at No.1/14, Kizhakku Theru, Veeraganur Town Panchayat, Gengavalli Taluk, Salem District - 636 116. Back side of his house, the tamarind tree is situated and its root is going under the petitioner's house. Therefore, the petitioner submitted a representation to the respondents to remove the same.



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3. On perusal of the counter, filed by the fourth respondent and on the submission made by the learned counsel appearing for the fourth respondent, it is revealed that the tamarind tree is situated thirty seven feet away from the petitioner's house and it is situated at S.No.671/3 (Old S.No.351/2) which is owned by one Alaguvel. He is also paying 2C charges in the name of his father. That apart, there is a dispute between the petitioner and the said Alaguvel and a suit is pending in O.S.No.77 of 2021 on the file of the District Munsif Court, Attur. In the said suit, there are defendants called Annamalai and others and on their instigation, the petitioner filed the said petition. The petitioner is not a party in the said suit. Therefore, the representation sought for by the petitioner cannot be considered since it is a private dispute between third parties.

4. In view of the above, this writ petition is dismissed. No Costs. However, the petitioner can workout his remedy before the Civil Court in the manner known to law if so advised.

14.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

3/4



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W.P.No.15676 of 2021

G.K. ILANTHIRAIYAN. J.,

ab

To

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Salem District.

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