



WEB COPY



W.P.No.24922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.24922 of 2024

M.Rajam

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
3. The Tahsildar, Avadi Taluk,
Thiruvallur District.
4. The Firka Surveyor, Morai Firka,
Avadi Taluk, Thiruvallur District.
5. P.Sivanandam

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus, directing the third respondent to remove the encroachment done by the 5th respondent in Parpagam Nagar Layout 20 feet road by considering the petitioner's representation dated



W.P.No.24922 of 2024

01.04.2024 on merits within the time framed by this Court.

For Petitioner : Mr.D.Senthilkumar

For Respondents : Mr.T.K.Saravanan, Government Advocate
for respondents 1 to 4

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner has filed the instant writ petition to direct the third respondent to remove the encroachment done by the 5th respondent in Karpagam Nagar Layout 20 feet road by considering the petitioner's representation dated 01.04.2024 on merits within the time framed by this Court.

2. According to the petitioner, she has purchased the said property and on the eastern side of the property, there is a 20 feet road, which was laid for public purpose and by encroaching the said road by 5 to 8 feet breadth, the 5th respondent has put up a compound wall. As such, the petitioner made a representation to the authorities concerned on 01.04.2024 to remove the encroachment, however, no action has been taken.



W.P.No.24922 of 2024

3. When this court specifically pointed out as to whether the lay out has been approved by the competent authorities, the learned counsel for the petitioner replied that the lay out for the said road has not been approved by the Competent Authority. In such circumstances, we are of the view that, unless the land, which is provided for road is handed over to the Panchayat or the Government, no direction could be given to the authorities concerned to take action against the encroachment made in the road in dispute. More over, the facts disclose that the dispute between the petitioner and the fifth respondent is civil in nature and hence, we are not inclined to entertain the writ petition and it is left open to the petitioner to approach the appropriate forum seeking remedy.

4. Accordingly, this writ petition is dismissed, granting liberty to the petitioner to approach the civil court seeking remedy. There shall be no order as to costs.

(D.K.K., A.CJ.)

(P.B.B.J.)

29.08.2024

Internet: Yes/No

Index : Yes/No

mst

Page 3 of 5



W.P.No.24922 of 2024

To
WEB COPY

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
3. The Tahsildar, Avadi Taluk,
Thiruvallur District.
4. The Firka Surveyor, Morai Firka,
Avadi Taluk, Thiruvallur District.



WEB COPY



W.P.No.24922 of 2024

THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

mst

W.P.No.24922 of 2024

29.08.2024