



WEB COPY

W.P.No.17908 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17908 of 2020
and
W.M.P.No.22195 of 2020

Mrs.Maheswari

... Petitioner

Vs.

1.The District Collector,
Chengalpattu District,
Chengalpattu – 603 001.

2.The District Superintendent of Police,
Chengalpattu District.

3.The Inspector of Police,
Maraimalai Police Station,
Maraimalai Nagar,
Chengalpattu District.

4.Mrs.G.Devi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take into consideration, petitioner's representation dated 22.09.2020, and to restrain immediately, the 4th respondent from proceeding with the acts of the trespass and illegality and putting up constructions further in petitioner property and



in the passage between petitioner property and her property with the necessary survey of the above properties pending disposal of the present writ petition.

For Petitioner : Mr.R.Swaminathan

For R1 to R3 : Mr.P.Balathandayutham
Special Government Pleader

For R4 : Mr.S.Malarmannan

ORDER

The writ of mandamus has been instituted to direct the respondent 1 to 3 to take into consideration, petitioner's representation dated 22.09.2020, and to restrain immediately, the 4th respondent from proceeding with the acts of the trespass and illegality and putting up constructions, further in petitioner property and in the passage between petitioner's property and her property with the necessary survey.

2. The relief as such sought coined in the writ proceedings would indicate that dispute of civil nature exists between the writ petitioner and the 4th respondent. The writ petitioner seeks an order of injunction in a writ proceeding to restrain the 4th respondent / private party from proceedings with



the act of trespass or putting up constructions in her property and the passage in her property and the property of the 4th respondent.

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3. Such nature of civil disputes cannot be adjudicate in writ proceedings and the parties have to approach the Competent Civil Court of Law for the purpose of establishing their civil rights, based on the documents and evidences available on record.

4. The learned counsel for the petitioner would submit that there is a public pathway also. If that is the case, it becomes a Public Interest Litigation (PIL) and then also writ is not entertainable. Therefore, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of establishing her case in the manner known to law.

5. With this liberty, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.01.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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