



WEB COPY



W.P.No.27303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27303 of 2022

R.Annadurai

... Petitioner

Vs.

1. The District Collector,
Salem District.

2. The Block Development Officer,
Ayothiyapatnam, Salem District.

3. Rani

4. The Tahsildar, Vazhapadi Taluk,
Salem District.

(R4 suo motu impleaded, vide order dated 28.02.203.
made in W.P.No.27303 of 2022)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking for issuance of writ of Mandamus, directing the second respondent to initiate appropriate action to implement the notice dated Na.Ka.No.2845/2019/Ti-1 dated 27.07.2022 on the file of the second respondent forthwith.



W.P.No.27303 of 2022

For Respondents : Mr.V.Baranidharan, Addl.Govt.Pleader
for first respondent

Mr.S.Ravikumar, for second respondent

Mr.C.K.M.Appaji, for third respondent

ORDER

This writ petition has been filed seeking direction to the second respondent to initiate appropriate action to implement the notice dated Na.Ka.No.2845/2019/Ti-1 dated 27.07.2022 on the file of the second respondent forthwith.

2. The petitioner purchased a house plot No.6, J-Block, Weaver Colony in survey No.40/2DD, Metupatti Village, Vazhapadi Taluk, Salem District, measuring to an extent of 1200 sq.ft. The nearby plot No.5, J-Block was purchased by one Jayaraman in his wife name Rani. She got approval to construct a house under Prime Minister housing scheme, by showing the documents with regard to plot No.5, however, she started construction of house in the petitioner's plot No.6. The petitioner gave a complaint and pursuant to the same, the second respondent issued a notice dated 27.07.2022 to the third respondent, directing her not to make any construction activity in the said plot, until the plot is properly demarcated by conducting survey. However, with the



W.P.No.27303 of 2022

help of the official respondents, the third respondent, again started the construction work. Despite the petitioner made a complaint to the Block Development Officer, Ayothiyapuram, no action was taken against the third respondent. Hence this writ petition.

3. Learned Additional Government Pleader submitted that, pursuant to the order passed by this court dated 28.02.2023, survey was conducted with the help of surveyor in the subject matter of the property, in the presence of both the parties as well as the revenue officials. He further submitted that, during survey, it was found that the plot No.J-6 in Survey No.40/2DD has been fully encroached by the owner of plot No.J-5 by constructing a house. In this regard, learned Additional Government Pleader has produced a report given by the Tahsildar along with the sketch, dated 18.07.2023 and seeks to pass appropriate orders.

4. The learned counsel for the third respondent submitted that, the third respondent has constructed the house only in the plot belonging to her. He further submitted that earlier, the petitioner had erected a asbestos sheets in the land of the third respondent and after removing the same, she constructed the house.



W.P.No.27303 of 2022

WEB COPY

5. The submission made by the counsel appearing on either side reveals that there is a civil dispute between the petitioner and the third respondent, which can be decided only by the civil court. As such, this court sitting under Article 226 of Constitution of India, cannot go into the above issues and hence, not inclined to entertain the writ petition.

6. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Liberty is granted to the petitioner to approach the civil court seeking remedy.

13.09.2024

mst

Index : Yes / No

Internet: Yes/No

To

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3. The Tahsildar, Vazhapadi Taluk,
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W.P.No.27303 of 2022

M.DHANDAPANI, J.

mst

W.P.No.27303 of 2022

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