



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34265 of 2017

and

W.M.P.No.38147 of 2017

M.C.Thamilvalavan

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Revenue Divisional Officer,
Thiruvallur (Sub Division),
Thiruvallur.

3.Thasildar,
Thiruvallur Taluk Office,
Thiruvallur.

4.The General Manager,
Caterpillar Pvt. Ltd.,
Manavala Nagar,
Mel Nallathur Village & Post,
Thiruvallur District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to consider the petitioner's representation dated 03.07.2017 submitted to the respondents and remove the compound wall constructed by the 4th respondent and recover the Government land (Parayan Kuttai) in Survey No.43/5 and permit all the villages and the cattle to use the pond and to direct the 4th respondent to restore the pond to its original state which was closed by the 4th respondent.

For Petitioner	: Mr.S.Arokia Maniraj
For R1 to R3	: Mr.A.Selvendran Special Government Pleader
For R4	: Mr.M.S.Krishnan Senior Advocate For Mr.K.Gowtham Kumar
	: Ms.S.Varsha Advocate Commissioner

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner on 03.07.2017 for evicting the 4th respondent from the subject property more



fully described in the present writ petition.

WEB COPY

2. Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents 1 to 3 would submit that the authorities conducted a field inspection, verified the revenue records and found that there is no encroachment.

3. The learned Advocate Commissioner appointed by this Court also submitted a report stating that there are no encroachments.

4. However, the learned counsel for the petitioner disputed the said statement by the learned Special Government Pleader and the report submitted by the learned Advocate Commissioner.

5. Such disputed facts cannot be adjudicated in a writ proceeding under Article 226 of the Constitution of India. If at all the petitioner claims right of civil nature, he has to approach the Competent Civil Court of Law for the purpose of crystallizing his civil rights based on documents and evidences available on record. However, High Court in writ proceedings, in the absence



of any record to establish that there are encroachments cannot issue a direction to remove the same.

WEB COPY

6. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [K.R.S., J.]
13.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Thiruvallur (Sub Division),
Thiruvallur.
- 3.The Thasildar,
Thiruvallur Taluk Office,
Thiruvallur.



WEB COPY



W.P.No.34265 of

S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

Jeni

W.P.No.34265 of 2017

13.03.2024