



W.P.(MD) No.3426 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3426 of 2024

and

W.M.P(MD)No.3392 of 2024

Darmin Jeya Suba

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagarkovil.
- 2.The District Revenue Officer,
Kanyakumari District,
Nagarkovil.
- 3.The Revenue Divisional Officer,
Vilavancode Division,
Kanyakumari District.



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4.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

5.Mr.Radhakrishnan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st - 4th respondents to demolish the unauthorized construction of temple being constructed in the petitioner's land situated in Old. Sy.No.1474.B and New Sy.No.14/19 Kunnathur Village, Vilavancode Taluk, Kaniyakumari District, on the basis of the representation given to the respondents dated 24.01.2023.

For Petitioner :Mr.A.Joseph Jerry

For R-1 to R-4 :Mr.S.P.Maharajan,
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to demolish the unauthorized construction of temple being constructed in the petitioner's land situated in

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Old. Sy.No.1474.B and New Sy.No.14/19 of Kunnathur Village, Vilavancode Taluk, Kaniyakumari District, on the basis of the petitioner's representation, dated 24.01.2023.

2. The case of the petitioner is that she made a representation before the respondents on 24.01.2023, seeking to remove the encroachment made in her property. According to the petitioner, by taking advantage of the fact that the petitioner is not in the local village, the fifth respondent has constructed the temple in the petition mentioned property and therefore, the said encroachment has to be removed.

3. It is stated that the property belongs to the petitioner and she is having a right over the subject property. These are all private disputes, the same cannot be decided in a writ petition under Article 226 of the Constitution of India. The petitioner has to seek remedy before the civil Court seeking appropriate remedy.



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4. In the result, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

15.02.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

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- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

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