



W.P.(MD) No.4393 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.4393 of 2024

K.Karthika

... Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai-625 007.

3.The Corporation Commissioner,
Madurai Corporation,
Madurai.

4.The Revenue Divisional Officer,
Madurai District,
Madurai.

5.The Tahsildar,
Madurai North Taluk,
Madurai.

6.Arumugam

...Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent, who encroached the common pathway by planting tree, Amla tree, Jackfruit tree and some other plants and by dumping litters, causing health hazards, on the basis of the petitioner representation dated 25.01.2024.

For Petitioner	: Mr.M.Sankar
For R1, R4 & R5	: Mr.V.Nirmalkumar Government Advocate
For R2	: Ms.M.Asha Government Advocate (Crl.side)
For R3	: Mr.K.Manisekaran

ORDER

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

Seeking to remove the encroachment made in a common pathway by planting trees causing disturbance to the common public, the petitioner has approached this Court by way of this writ petition.

2.The learned counsel for the petitioner submitted that the sixth respondent had encroached the common pathway belonging to the corporation by planting Amla tree, Jackfruit and some other plants. He has also dumped litters in the pathway causing health hazards to the general public in the locality.



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3. We have gone through the materials placed before this Court. *Prima facie* we do not find any good reason to accept the petitioner's allegation that the sixth respondent had caused hindrance to the public by planting trees in a common pathway. From the affidavit filed in support of this petition, it could be seen that there is a dispute between the petitioner and the sixth respondent. There are disputed facts involved in this writ petition. These factual disputes cannot be adjudicated under Article 226 of the Constitution of India. Therefore, we do not consider it necessary to entertain this writ petition, which does not appear to have been decided in this writ petition. Therefore, there is no merit in this writ petition and hence, this writ petition deserves to be dismissed.

4. Accordingly, this writ petition is dismissed. The petitioner shall approach the competent authority, if so advised, in the manner recognized by law. No costs.

[D.K.K., J.] & [R.V., J.]
27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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