



W.P.(MD) No.6662 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.6662 of 2024

and

W.M.P.(MD)No.6200 of 2024

CSI Madurai-Ramnad Diocese,
Rep. by its Property Officer / Lay Secretary

... Petitioner

-Vs-

1.The Commissioner,
Municipality Office,
Manamadurai Municipality,
Sivagangai.

2.The District Collector / Monitoring Committee,
Sivagangai District, Sivagangai.

3.The District Revenue Officer,
Sivagangai District, Sivagangai.

4.The Tahsildar,
Sivagangai District, Sivagangai.

5.Veera Lakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the unauthorized



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construction made by the private respondent No.5 on the land belonging to the petitioner Diocese in Survey No.23/1B having to an extent of 0.03.5 Ares, situated at Keelkarai, Anbu Nagar, Manamadurai Taluk, Sivagangai District.

For Petitioner : Ms.H.Jasima Yasmin,
for M/s.Ajmal Associates
For R1 : Mr.A.Kathiravan, Standing Counsel
For R2 to R4 : Mr.T.Amjadkhan,
Government Advocate

ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.A.Kathiravan, learned Standing Counsel takes notice for the 1st respondent and Mr.T.Amjadkhan, learned Government Advocate takes notice for the respondents 2 to 4. Considering the nature of order going to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3.A perusal of the affidavit filed in support of this petition shows that the the property in question in which the petitioner seeks removal of the



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encroachment is a private property belonging to the petitioner. Therefore, we are of the view that since the issue involved in this Writ Petition is purely civil in nature, the relief sought for by the petitioner cannot be granted under Article 226 of Constitution of India. Further, these are all private disputes between the petitioner and the 5th respondent, for which the petitioner has to seek his remedy only before the appropriate forum. Hence, we are not inclined to entertain this Writ Petition, accordingly, it is dismissed with liberty to the petitioner to seek his remedy before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

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

20.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

- 1.The District Collector / Monitoring Committee,
Sivagangai District, Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District, Sivagangai.
- 3.The Tahsildar,
Sivagangai District, Sivagangai.



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