



W.P(MD)No.12297 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.12297 of 2020

Chithiramal

... Petitioner

vs.

1. The District Collector
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

3. The Executive Officer,
Abiramam Town Panchayat,
Abiramam,
Ramanathapuram District.

4. Ramesh

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents Nos. 1 to 3 to remove the encroachment made by the 4th respondent in the Common Well and Pathway in Survey No.GRS 265/557A situated at Abiramam Village, Kamudhi Taluk, Ramanathapuram District.



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For Petitioner
For Respondents 1 & 2
For Respondent No.3

: Mr.C.Mayilvahan Rajendran
: Mr.P.Thilakkumar,
Government Pleader
: Mr.S.Srinivasa Raghavan

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ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The prayer in the writ petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in the Common Well and Pathway in Survey No.GRS 265/557A, situated at Abiramam Village, Kamudhi Taluk, Ramanathapuram District.

2. Admittedly, the claim of the petitioner that the 4th respondent is encroaching upon the common Well and the pathway, is in connection with the private land.

3. The learned Government Pleader, on instructions, submitted that the subject property in Survey No.GRS 265/557A, is a patta land.

4. If at all the petitioner is of the view that the family members of the 4th respondent are illegally occupying the subject property, the remedy available to him, would be to approach the competent Civil Court and since this is not a



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case of encroachment on a public property, the present writ petition is not maintainable.

5. Accordingly, the Writ Petition stands dismissed. No costs.

(M.S.R, J.) (A.D.M.C, J.)
18.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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ORDER MADE IN
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