



WEB COPY

W.P.(MD)No.19159 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.19159 of 2024

Nagalrasu, S/o.(Late).Karuppanan

... Petitioner

-VS-

- 1.The District Collector,
Karur District,
Karur.
- 2.The District Revenue Officer,
Karur District,
Karur.
- 3.The Divisional Revenue Officer,
Karur Division, Karur.
- 4.The Block Development Officer,
Pugalur Taluk,
Velaythampalayam,
Karur District.
- 5.The Tahsildar,
Pugalur Taluk,
Pugalur,
Karur District.
- 6.The Village Administrative Officer,
Punjai Pugalur South Village,
Kakithapuram,
Pugalur Taluk,
Karur District.



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7.Marappan, S/o.Nallappa Gounder

8.Sarajo, W/o.Murugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 and 8 in Punjai Pugalur South Village Survey No.1132/2 and 3, situated in Masagoundanpudur, Pugalur Taluk, Karur District, on the basis of the representation dated 05.08.2024.

For Petitioner : Mr.Arul Jenifer
for Mr.J.Sathiaraj

For R1 to R6 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this Writ Petition reads as follows:-

"To issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the respondents 7 and 8 in Punjai Pugalur South Village Survey No.1132/2 and 3, situated in Masagoundanpudur, Pugalur Taluk, Karur District, on the basis of the representation dated 05.08.2024."



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2. The petitioner would claim that he has right of way over the land in Survey No.1132/1, 2 and 3. The claim is based on the recitals in the sale deed, by which, the petitioner purchased the property. Admittedly, the revenue records for Survey No.1132/1, 2 and 3 stand in the name of the respondents 7 and 8. Being a private property, the State cannot seek removal of the encroachment. If at all, the petitioner has got any right whether easementary or otherwise, it is for him to make a claim before the appropriate Civil Court.

3. Reserving such liberty to the petitioner to approach the appropriate Civil Court, this Writ Petition is dismissed. No costs.

NCC : No
Index : No
Internet : Yes
smn2
To:

[R.S.M., J.] [L.V.G., J.]
08.08.2024

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Karur.
- 2.The District Revenue Officer,
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- 3.The Divisional Revenue Officer,
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- 4.The Block Development Officer,
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- 5.The Tahsildar,
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- 6.The Village Administrative Officer,
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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