



WEB COPY



W.P.No.8333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.8333 of 2024

K.Gandhimathi

... Petitioner

Vs.

- 1.The District Collector,
O/o Collectorate,
State Bank Road,
Coimbatore – 641 018.
- 2.The Assistant Director,
Municipality Department,
Collectorate,
Coimbatore – 641 018.
- 3.The Revenue Divisional Officer,
Coimbatore North,
Goundanpalayam,
Coimbatore.
- 4.The Tahsildar,
Coimbatore North,
Dr.Balasundaram Road,
Coimbatore.
- 5.The Executive Officer,
Periyanaickenpalayam Municipality,
Coimbatore – 641 020.

Page Nos.1/6



W.P.No.8333 of 2024

6.The President,
Periyanaickenpalayam Municipality,
Coimbatore – 641 020.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records in connection with the impugned order dated 17.05.2023 in Na.Ka.No.151/2023/PAY3 on the file of the second respondent, quash the same and consequently direct the respondents 2 to 4 to remove the unlawful encroachment made by the respondents 5 and 6 in the petitioner's property.

For Petitioner : Mr.B.Manimaran

For Respondents : Mr.M.S.Arasakumar,
Government Advocate

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned matter is listed today under the cause list caption 'FOR DISMISSAL'. Mr.B.Manimaran, learned counsel on record for writ petitioner expresses regret for missing the matter yesterday (05.06.2025) and tenders apology. This is accepted.



W.P.No.8333 of 2024

2. Mr.B.Manimaran, learned counsel for writ petitioner and Mr.M.S.Arasakumar, learned Government Advocate for respondents are before us.

3. Petitioner is concerned with a 'private land comprised in S.F. Nos.385/1, 385/3, 385/4 and 386 in Ward 1, Thiru.Vi.Ka.Nagar, Periyanaickenpalayam Village, Coimbatore District' (hereinafter 'said land' for the sake of convenience and clarity).

4. Said land is admittedly not a public land. Therefore, we are of the considered view, in the light of the facts and circumstances of the case that it is appropriate to relegate the matter to civil Court. We do so. But we preserve all the rights and contentions of the writ petitioner to canvass the same in an intended civil suit. In this regard, for the sake of specificity, we make it clear that we are not expressing any view or opinion on the 'order dated 17.05.2023 bearing reference Na.Ka.No.151/2023/PAY3 made by R2 [Assistant Director, Municipality Department, Coimbatore]' {hereinafter 'impugned order' for the sake of convenience and clarity}. This means that the writ petitioner can appeal this order also in the civil Court as one limb of the prayer and the jurisdictional civil Court shall consider the same on its own merits

Page Nos.3/6



W.P.No.8333 of 2024

and in accordance with law in trial i.e., in the light of other documents which will be pressed into service by the parties to the civil suit.

5. Though obvious we make it clear that jurisdictional civil Court shall deal with the suit on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of disposal of the captioned WP and as we have left all questions open.

6. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
06.06.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

(1/2)



W.P.No.8333 of 2024

WEB COPY

To

- 1.The District Collector,
O/o Collectorate,
State Bank Road,
Coimbatore – 641 018.
- 2.The Assistant Director,
Municipality Department,
Collectorate,
Coimbatore – 641 018.
- 3.The Revenue Divisional Officer,
Coimbatore North,
Goundanpalayam,
Coimbatore.
- 4.The Tahsildar,
Coimbatore North,
Dr.Balasundaram Road,
Coimbatore.
- 5.The Executive Officer,
Periyanaickenpalayam Municipality,
Coimbatore – 641 020.
- 6.The President,
Periyanaickenpalayam Municipality,
Coimbatore – 641 020.



WEB COPY



W.P.No.8333 of 2024

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**
mmi

W.P.No.8333 of 2024

06.06.2025

($\frac{1}{2}$)