



W.P.(MD) No.4849 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.4849 of 2025

Gilda

... Petitioner

-Vs-

1.The Assistant Director (Village Panchayat),
Tirunelveli District, Tirunelveli.

2.The Block Development Officer,
Nanguneri, Tirunelveli District.

3.The President,
Sanganankulam Village Panchayat,
Nanguneri Taluk, Tirunelveli District.

4.Ramesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the unauthorized construction put up by the 4th respondent in Sy.No.957/A2A, Vijayanarayanam Part III Village, Tisaiyanvilai Taluk and Tirunelveli District by considering the petitioner's representation dated 01.04.2024.

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For Petitioner : Mr.R.Balakrishnan
For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

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

2.It is the case of the petitioner that she purchased the property in Sy.No.957/A2A to an extent of 49 cents situated at Vijayanarayanam Part III Village, Tisaiyanvilai Taluk and Tirunelveli District and from the date of purchase, she is in possession and enjoyment of the property. However, without having any right over the property in question, the 4th respondent is unlawfully digging a well and also putting up a construction without obtaining building plan permission. Pointing out the same, the petitioner sent a representation on 01.04.2024 to the official respondents. However, the same is pending till date without any progress. Therefore, the petitioner has filed this Writ Petition, seeking removal of the unauthorized construction made by the 4th respondent.



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3. On perusal of the affidavit filed by the petitioner, it is seen that the dispute involved in this petition is civil in nature and the petitioner has already filed a suit in O.S.No.60 of 2017 seeking permanent injunction before the Sub Court, Valliyoor. Pending the same, she has filed this Writ Petition. Therefore, the petitioner can seek her remedy before the civil forum in O.S.No.60 of 2017 and we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

[J.N.B., J.] & [S.S.Y., J.]
24.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Assistant Director (Village Panchayat),
Tirunelveli District, Tirunelveli.
2. The Block Development Officer,
Nanguneri, Tirunelveli District.
3. The President,
Sanganankulam Village Panchayat,
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