



W.P.(MD) No.339 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.339 of 2026
and W.M.P.(MD)No.340 of 2026

I.Syed Sulaiman

... Petitioner

Vs

1. The District Collector,
Office of the Collectorate Building,
Tenkasi District.
2. The District Revenue Officer,
Office of the Collectorate Building,
Tenkasi District.
3. The Revenue Divisional Officer,
O/o. of the Revenue Divisional,
Tenkasi District.
4. The Tahsildar,
Office of the Tahsildar,
Kadayanallur Taluk,
Tenkasi District.
5. M/s. Fair Deal Supplies Private Limited,
Having its Registered Office
at Ahamadabad – 380009,
Through its Power Agent Subbiah,
S/o. Murugan, No.104,
Sakthi Nagar, Tenkasi.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent Nos.1 to 4 to conduct an enquiry and pass an order based on the Petitioner's representation dated 18.12.2025 so as to remove the Wind Mill of the 5th respondent from petitioner's Patta Land in Survey No.449/1 at Nainarragaram Village, Tenkasi District within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed
For Respondents : Mrs.K.Malathi,
Addl. Govt. Pleader for R1 to R4

ORDER

This Writ Petition is filed seeking a Mandamus as against the respondents 1 to 4 to conduct an enquiry and pass an order based on the Petitioner's representation dated 18.12.2025 so as to remove the Wind Mill of the 5th respondent from petitioner's Patta Land in Survey No. 449/1 at Nainarragaram Village, Tenkasi District within time frame as fixed by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed against the 5th respondent, notice to him is dispensed with.



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3. The learned counsel appearing for the petitioner would submit that from the date of purchase, the petitioner is in possession of the subject property. While so, the 5th respondent has erected a Wind Mill in the petitioner's patta land. The 5th respondent has also filed a suit for declaration of title in respect of the subject property in O.S.No.191 of 2018 and the said suit came to be dismissed by order dated 28.08.2025. However, the Wind Mill has not been removed by the 5th respondent. Therefore, the petitioner has made a representation on 18.12.2025 to the official respondents, seeking to remove the Wind Mill from his patta land. However, no steps have been taken by the respondents to remove the said Wind Mill from the petitioner's patta land. Hence, the petitioner has approached this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the dispute between the petitioner and the 5th respondent is a civil dispute and therefore, the official respondents cannot interfere with the said dispute. She further submits that they cannot enter into the private property and if the Wind Mill is situated in the Government property, they can take steps to remove the same. Therefore, the respondents cannot pass any order as prayed for by the petitioner.



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5. This Court finds force in the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 4.

6. Considering the facts and circumstances of the case, this Court is of the view that any installation and removal of Wind Mill is a private dispute, in the private land. Hence, the official respondents cannot interfere with the said private dispute. Therefore, the prayer in the Writ Petition cannot be granted by this Court and the right course available to the petitioner is only to approach the civil Court for eviction or for removal of the Wind Mill.

7. In view of the above observations, this Writ Petition is dismissed with liberty to the petitioner to approach the civil Court for his remedy, if he is so advised. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.01.2026

Index : Yes/No
Neutral Citation: Yes/No
vsm



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WEB COPY

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KRISHNAN RAMASAMY, J.

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