

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.3115 of 2013

and

M.P.No.1 of 2013

V.Amirthalingam ... Petitioner

Versus

1.The District Collector
Cuddalore.

2.The Assistant Director of Panchayats,
Cuddalore.

3.The Block Development Officer,
The Office of the B.D.O.,
Parangipettai,
Chidambaram Taluk,
Cuddalore District.

4.The President,
Village Panchayat,
B.Adivaraganallur Village
Chidambaram Taluk,
Cuddalore District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus forbearing the respondents from constructing a Panchayat Office in 10 cents in Petitioner's Pattal and bearing Patta No.405 in R.S.No.178/11C, 213/3, 159/4, 7 & 9 measuring to a total extent of Hect.2.84.0 Ares except under due process of law in B.Adhivaraganallur Village, Parangipettai Union, Chidambaram Taluk, Cuddalore District and consequently direct the respondents to remove the basement from the above land.

For Petitioner : Mr.G.Vetrivel Rajan
For RR1 & 2 : Mr.K.Balamurugan
For RR3 & 4 : Mr.S.Pattabiraman

O R D E R

The petitioner claims to be the Trustee of the Arulmigu Sri Mariamman, Iyannar and Perumal Kovil Temples. The lands in S.No.383/1, 347/3-10 belongs to the above said Mariamman Temple. According to the petitioner, the lands are being cultivated and the proceeds are utilized for the maintenance of the temple. Now, the petitioner's submission is that the respondents are trying to put a construction in the said land and hence filed this Writ Petition.

2. Heard Mr.G.Vetrivel Rajan, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned counsel appearing for the third and fourth respondents.

3. Learned counsel for the third and fourth respondent disputes the very fact, that the petitioner is a trustee of the temple and also claims that several government buildings have already been constructed in the said land. The petitioner's apprehension that the respondents are trying to construct a Village Panchayat Office is also incorrect since they had already completed the construction even prior to filing of this Writ Petition.

4. This Court exercising its powers under Article 226 of the Constitution of India, cannot go into all these factual aspects, particularly, when the petitioner's right as a Trustee as well as physical status of the subject lands are disputed. Under such circumstances, the Writ Petition is liable to be dismissed and is accordingly dismissed. No Costs. Consequently, connected Miscellaneous Petition is also closed.

5. However, the petitioner is given the liberty to redress his grievances before an appropriate Civil Court of Law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rm

To

1.The District Collector
Cuddalore.

2.The Assistant Director of Panchayats,
Cuddalore.

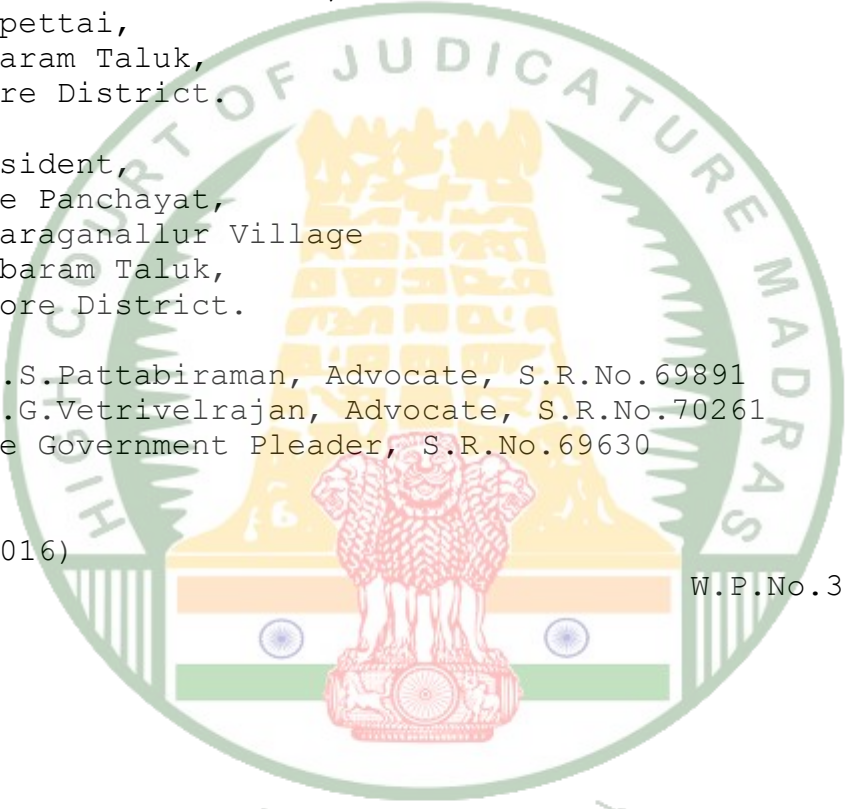
3.The Block Development Officer,
The Office of the B.D.O.,
Parangipettai,
Chidambaram Taluk,
Cuddalore District.

4. The President,
Village Panchayat,
B.Adivaraganallur Village
Chidambaram Taluk,
Cuddalore District.

+lcc to Mr.S.Pattabiraman, Advocate, S.R.No.69891
+lcc to Mr.G.Vetrivelrajan, Advocate, S.R.No.70261
+lcc to the Government Pleader, S.R.No.69630

aca(CO)
BB(28/12/2016)

W.P.No.3115 of 2013



सत्यमेव जयते

WEB COPY