

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.38928/2016 & WMP.No.33344/2016

M.P.Madan Kumar

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Petitioner

Versus

- 1.The Commissioner
Hindu Religious & Charitable Endowment
Department, 119, Uthamar Gandhi Salai
Nungambakkam, Chennai.
- 2.The Joint Commissioner
Hindu Religious & Charitable Endowment
Department, Dr.Balasundaram Road
Coimbatore 641 018.
- 3.The Assistant Commissioner
Hindu Religious & Charitable Endowment
Department, Tiruppur.
- 4.The Executive Officer
Arulmighy Athanoor Amman Kuppana Swamy
Thirukovil, Muthur, Tiruppur District.
- 5.The District Collector
Tiruppur District, Tiruppur.
- 6.The Assistant Engineer
TANGEDCO, Muthur Town, Muthur,
Tiruppur District.

7.The Trustees

The Muthur Kaaniyalar Arakattallai
Muthur, Tiruppur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents and their subordinates from dispossessing the petitioner from his patta land bearing No.611 and SF No.386/20 in Chinna Muthur Village of Kangayam Taluk of Tiruppur District without following due process of law by considering petitioner's representation dated 27.09.2016.

For Petitioner	:	Mr.N.Ponraj
For RR 1 to 3	:	Mr.M.Maharaja, Spl.GP [HR&CE]
For R5	:	Mr.A.Kumar, Spl.GP

ORDER

Heard the learned counsel for the petitioner ; Mr.M.Maharaja, learned Special Government Pleader [HR&CE] who accepts notice on behalf of the respondents 1 to 3 and Mr.A.Kumar, learned Special Government Pleader who accepts notice on behalf of the 5th respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 A perusal of the affidavit filed in support of this writ petition as well as the typed set of documents, would disclose that the petitioner wants to establish his right over the property admeasuring to an extent of 15 cents comprised in SF.No.386/20, Patta No.611, Chinna Muthur Village, Kangeyam Taluk, Tiruppur District, which remedy is not available to him

under Article 226 of the Constitution of India. If he really wants to establish his rights over the property, the remedy would be, to approach the Civil Forum and not by filing a writ petition.

3 Accordingly, the writ petition stands dismissed with liberty to the petitioner to approach the appropriate Civil Forum, if he is so advised. No costs. Consequently, the connected miscellaneous petition is also dismissed.

14.11.2016

AP

To

1.The Commissioner

Hindu Religious & Charitable Endowment
Department, 119, Uthamar Gandhi Salai
Nungambakkam, Chennai.

2.The Joint Commissioner

Hindu Religious & Charitable Endowment
Department, Dr.Balasundaram Road
Coimbatore 641 018.

3.The Assistant Commissioner

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5.The District Collector,Tiruppur District, Tiruppur.

6.The Assistant Engineer

TANGEDCO, Muthur Town, Muthur,Tiruppur District.

7.The Trustees

The Muthur Kaaniyalar Arakattallai
Muthur, Tiruppur District.

B.RAJENDRAN, J.,

AP

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