

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18469 of 2004

J. Padsingh

... Petitioner

Vs.

1. The District Collector,
Vellore District.

2. The Commissioner,
Tirupattur Municipality,
Vellore District.

3. The Tahsildar,
Tirupattur,
Vellore District.

4. The Executive Officer,
Arulmighu Dharmarajar Temple,
Tirupattur, Vellore District.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 2 and 3 to restore possession of door No.47-3, Dharmarajar Koil 7th Street, Tirupattur Town, Vellore District to the petitioner.

For Petitioner :: Mr.A.Sivaji

For Respondents :: Mr.Akhil Akbar Ali

Government Advocate for R1 & R3

Mr.R.Vijayakumar for R2

Mr.Maharaja

Special Government Pleader for R4

O R D E R

The Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 2 and 3 to restore possession of door No.47-3, Dharmarajar Koil 7th Street, Tirupattur Town, Vellore District to the petitioner.

2. The case of the petitioner is that he was paying the lease amount to the Temple Authorities. However, without issuing any notice, the building was demolished, despite objections from the Temple Authorities, based on the order passed in W.P.No.9168/ 2003 dated 25.03.2003.

3. Mr.Maharaja, learned Special Government Pleader would submit that there is a dispute with regard to title over the property and it could be decided only by a competent Civil Court and the disputed questions of fact cannot be gone into in the present writ petition.

4. It is seen from the records that even according to the petitioner, the Government as well as the fourth respondent- Executive Officer, Arulmighu Dharmarajar Temple, Tirupattur, Vellore District, have claimed title over the property. Since there is a dispute with regard to title, this Court is of the considered opinion, that title can be decided only by a competent Civil Court and till the title is decided, the prayer sought for in the Writ Petition cannot be considered by this Court.

5. In view of the above facts, I find no merit in the Writ Petition. Hence, the Writ Petition is dismissed, giving liberty to the petitioner to approach the competent Civil Court for redressal of his grievance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs/aav

To:

1. The District Collector,
Vellore District.
2. The Commissioner,
Tirupattur Municipality,
Vellore District.
3. The Tahsildar,
Tiruppattur,
Vellore District.
4. The Executive Officer,
Arulmighu Dharmarajar Temple,
Tirupattur, Vellore District.

+1 cc to M/s.A.Sivaji Advocate sr 49971
+1 cc to the Government Advocate sr 49974

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