

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.12.2018

CORAM :

THE HONOURABLE Dr.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.3965 of 2018

N.Karunanidhi

...Petitioner

-Vs-

1 The Commissioner
Hindu Religious and Charitable
Endowment Departments
No.119 Utthamar Gandhi Salai
Nungambakkam Chennai- 600 034.

2 The Assistant Commissioner
Hindu Religious and Charitable
Endowment Departments
Villupuram District.

3 The Thasildar
Sankarapuram Taluk
Villupuram District.

4 Sengunthar Magajana Sangam
rep by its President
Devapandalam Village
Sankarapuram Taluk
Villupuram District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to retrieve the lands comprised in Survey No.29/4 admeasuring to an extent of 0.18 Ares and in Survey No.6/11B to an extent of 0.05 Ares and also in Survey No.6/12B to an extent of 0.13 Ares situated at Thevabandalam Village, Sankarapuram Taluk, Villupuram District belonging to Arulmigu Parthasarathy Thirukovil from the 4th respondent by cancelling the patta issued by the 3rd respondent pursuant to the petitioner's representation dated 06.11.2017.

For petitioner: Mr.T.Balachandran
For RR1 and 2: Mr.Maharajan,
Special Government Pleader
For R3 : Mr.M.Karthikeyan, AGP
For R4 : Mr.P.Valliappan

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner, N.Karunanidhi, son of Narayanapillai, has filed this writ petition in this court in PIL jurisdiction of this court under Article 226 of the Constitution of India for directing the respondents to retrieve the lands comprised in Survey No.29/4 admeasuring an extent of 0.18 Ares and in Survey No.6/11B an extent of 0.05 Ares also in Survey No.6/12B an extent of 0.13 Ares situated at Thevabandalam Village, Sankarapuram Taluk, Villupuram District belonging to Arulmigu Parthasarathy Thirukovil from the 4th respondent, Sengunthar Magajana Sangam and cancel the patta issued by the third respondent, the Thasildar Sankarapuram Taluk, Villupuram District to the fourth respondent.

2. Counter affidavit has been filed by the fourth respondent, upon issuance of notice by this court, by one Mr.Kannan son of Veerasamy Mudaliar, claiming to be the President of the fourth respondent, Sengunthar Magajana Sangam, Sankarapuram Taluk, Villupuram District, seeking to defend the patta issued in favour of the fourth respondent.

3. Having heard the learned counsel for the parties, we are of the considered opinion that the dispute raised in the present writ petition is a civil dispute between the parties, claiming their respective rights over the land in question and the same cannot be entertained as a PIL writ petition, exercising our extraordinary jurisdiction under Article 226 of the Constitution of India. Therefore, leaving the parties free to avail their regular civil remedies in the competent civil court, we dismiss this PIL writ petition. No order as to costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

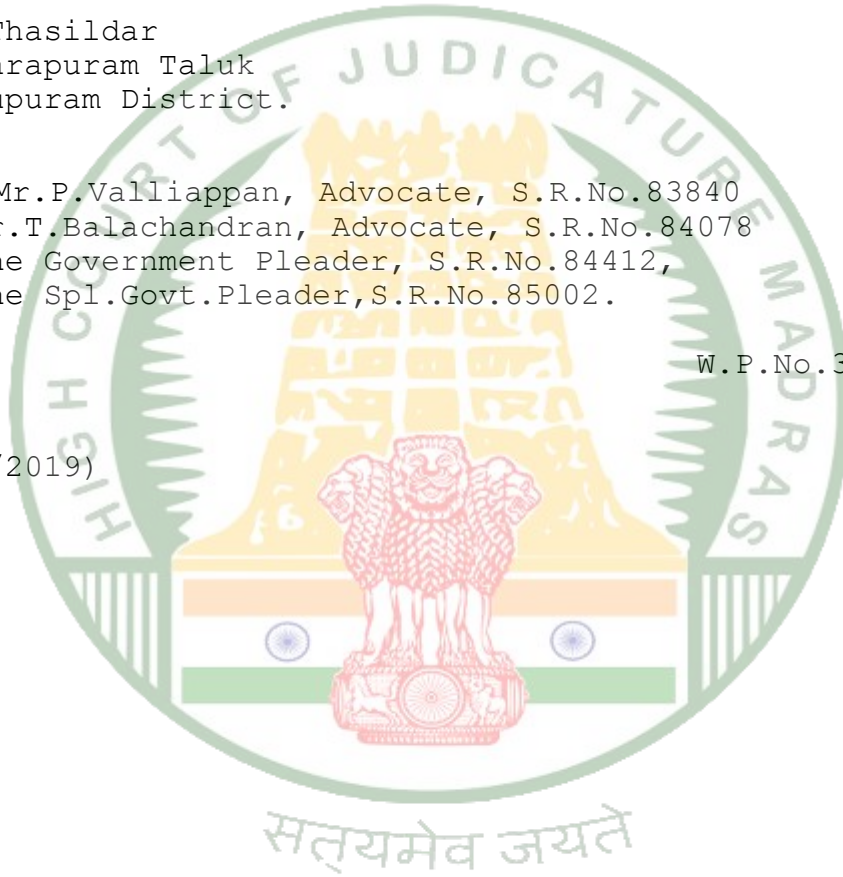
To

1. The Commissioner
Hindu Religious and Charitable
Endowment Departments
No.119 Utthamar Gandhi Salai
Nungambakkam Chennai- 600 034.
2. The Assistant Commissioner
Hindu Religious and Charitable
Endowment Departments
Villupuram District.
3. The Thasildar
Sankarapuram Taluk
Villupuram District.

+15cc to Mr.P.Valliappan, Advocate, S.R.No.83840
+1cc to Mr.T.Balachandran, Advocate, S.R.No.84078
+1cc to the Government Pleader, S.R.No.84412,
+1cc to The Spl.Govt.Pleader, S.R.No.85002.

W.P.No.3965 of 2018

SSI (CO)
KAK(08/01/2019)



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