



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.[MD]No.9092 of 2014

and

M.P.[MD]No.1 of 2014

Saravana

: Petitioner

Vs.1. The District Collector,
Dindigul District.2. The Block Development Officer,
Batlagundu Panchayat Union,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents their mens and agents from sanctioning any funds for constructing Green house under the scheme in the petitioner's patta land in survey No.1362/3, 1363/1A2 situated at Viralipatti Village, Dindigul District without following due process of law.

For Petitioner : Mr.B.Jameel Arasu

For Respondent No.1 : Mr.M.Jeyakumar

Additional Government Pleader

For Respondent No.2 : Mr.S.Kumar

O R D E R

The petitioner has come forward with the present writ petition seeking to restrain the respondents from sanctioning any funds for constructing Green house under the scheme in the petitioner's patta land in survey No.1362/3, 1363/1A2 situated at Viralipatti Village, Dindigul District.

2.When the matter is taken up for hearing, the counter affidavit has been filed by the second respondent in which in paragraph No.2 it is stated that the petitioner was not the son of Irulappan as he claims to be, as the said Irulappan had only one son and his name was Selvagurunathan.



3. When the legal heirship itself is under dispute in regard to the status of the petitioner, this Court is unable to understand as to how the writ petition can be adjudicated at the instance of the petitioner. The petitioner's status is being questioned and contested on behalf of the second respondent. The better course in such cases would be to approach the competent civil Court to sort out the claim in regard to the grievance projected in the writ petition.

4. In such circumstances, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. This is more so, when the adjudication involves settlement on factual aspects between the parties.

5. For the above said reasons, the writ petition is not maintainable and the same is dismissed. It is always open to the petitioner to approach the appropriate civil Court in order to redress his grievance as projected in the writ petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
Dindigul District.
2. The Block Development Officer,
Batlagundu Panchayat Union,
Dindigul District.

+ 1 CC TO Mr. B. JAMEEL ARASU, ADVOCATE IN SR No. 83142
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83349

MR

TE/PM/SAR-3 : 05/10/2018 : 2P/5C

ORDER MADE IN
W.P. [MD] No. 9092 of 2014
07.09.2018