

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30142 of 2019

Thiruvarasan

... Petitioner

-vs-

1. The Collector,
Cuddalore,
having office at Collectorate,
Cuddalore.

2. The Tahsildar,
Chidambaram,
having office at Taluk Office,
Chidambaram - 608 001.

3. The Block Development Officer,
Kumaratchi,
Kattumannarkoil Taluk,
Cuddalore District.

4. The Executive Officer/Special Officer,
Usuppur Panchayat,
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to demolish the dilapidated superstructure used as DANIDA Hospital, construction in old S. No. 62/4 and now bearing

S. No.	Extent (Hec. Ares)
127/2	0.24.00
62/6	0.06.00
67/2	0.15.50
67/3	0.03.50
70/1	0.09.50
88/5	0.24.50

S. No.	Extent (Hec. Ares)
	0.89.00 = Ac.2.04

in Usuppur Village, Chidambaram Taluk, Cuddalore District within a fixed time and on their failure to do so, Petitioner may be permitted to demolish the superstructure.

For Petitioner : Mr. R. Gururaj

For Respondents: Mr. R. Venkatesh,
Government Advocate

O R D E R

The Petitioner, who claims to be the hereditary poosari cum trustee of the Paradesiappan Temple, claims that the property belongs to the said Temple and has filed this Writ Petition for demolishing the hospital constructed by the Government in the land belonging to the Temple.

2. The Second Respondent has filed Counter Affidavit dated 07.01.2020 disputing the ownership of the said land by the Temple and contends that it is poramboke land belonging to the Government. That apart, it is contended by the Respondents that the building is in good condition and does not require to be demolished.

3. Having regard to the aforesaid factual disputes raised involving recording of evidence of the parties on their rival contentions, it would not be possible for this Court in writ proceedings following summary procedure to effectually adjudicate the same and the Petitioner has to be necessarily relegated to work out his remedy for appropriate relief in a suit before the jurisdictional Civil Court in that regard.

4. Accordingly, the Writ Petition is disposed with the aforesaid observation. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vjt

To

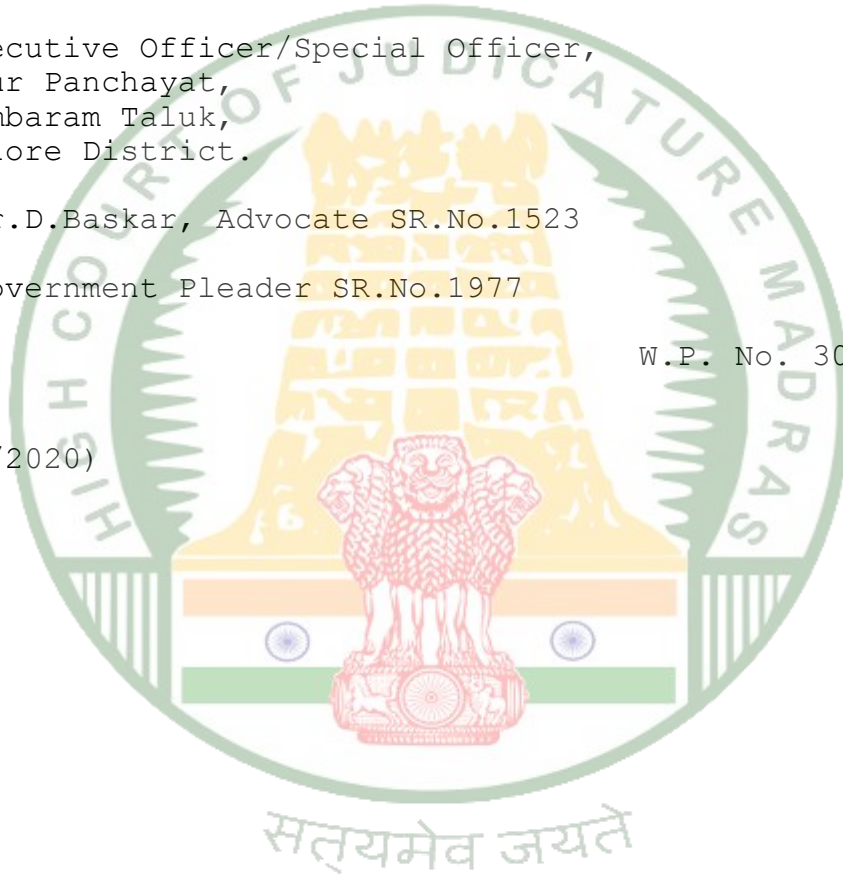
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+1cc to Mr.D.Baskar, Advocate SR.No.1523

+1cc to Government Pleader SR.No.1977

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VSN II (CO)
GMY (24/01/2020)



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