



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.7840 of 2022
and
W.M.P.No.7850 of 2022

Anbarasan

Vs.

... Petitioner

1. The Tahsildar cum Chairman,
Administrative Advisory Committee,
Department of Revenue and
Disaster Management,
Taluk Office,
Oulgaret,
Puducherry - 10.

2. Renuga

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the notice dated 11.02.2022 passed by the first respondent pertaining to his proceedings in No.348/TOO/LG/E/2020 and quash the same.

For Petitioner : Mr.K.S.Karthik Raja

For R1 : Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorari, calling for the records of the notice dated 11.02.2022 passed by the first respondent pertaining to his proceedings in No.348/TOO/LG/E/2020 and quash the same.

2. Mr.J.Kumaran, learned Additional Government Pleader takes notice for the first respondent. In view of the limited relief sought for in this petition, on the consent expressed by



the Learned counsel appearing for either side, this petition is taken up for final disposal. No adverse order is passed against the second respondent and hence, her presence is dispensed with.

3. The learned counsel for the petitioner would submit that the petitioner is an occupant of the disputed temple land which is comprised in R.S.No.106/2A/1, Oulgaret Revenue Village, Puducherry. The second respondent made an allegation as against the petitioner that the petitioner is denying the access of the second respondent to reach the land, for which the present impugned order has been passed by the first respondent directing the petitioner to give access to the second respondent. Challenging the same, the present petition is filed.

4. The learned Government Advocate submitted that it is purely a civil dispute between the petitioner and the second respondent. However, the petitioner has no title over the subject property and he is only an occupant in the disputed temple land. If at all the petitioner has any claim, the petitioner has to approach before the Civil Court as against the second respondent. Hence, he prayed for dismissal of this petition.

5. In view of the aforesaid facts, the dispute between the petitioner and the second respondent cannot be decided either by the Revenue officials or under Article 226 of Constitution of India. The order passed by the first respondent cannot be interfered with. Admittedly, the entire land is a temple land and no one has a right to interfere with it. If at all the petitioner is aggrieved, the proper course open to the petitioner is to file an appropriate suit before the Civil Court and not by way of a writ petition.

6. The prayer sought for in this petition cannot be granted and accordingly, this Writ petition stands dismissed with liberty to the petitioner to work out his remedy in the manner known to law. Consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar cum Chairman,
Administrative Advisory Committee,
Department of Revenue and
Disaster Management,
Taluk Office,
Oulgaret,
Puducherry - 10.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.23136

+1cc to the Government Pleader (Pondy), S.R.No.22865

W.P. No.7840 of 2022
and
W.M.P.No.7850 of 2022

GPL (CO)
SU (21/04/2022)