



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14494 of 2022

and

W.M.P.No.13701 of 2022

T.Sivaraman

...Petitioner

Vs

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Tahsildar,
Taluk Office,
Chidambaram,
Cuddalore District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Chidambaram,
Cuddalore District.
4. The Block Development Officer,
Parangipettai Panchayat Union,
Parangipettai,
Cuddalore District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from constructing houses at land situated at Singarakuppam Village, Killai Post, Chidambaram Taluk, Cuddalore District comprised of S.F.No.414/6 admeasuring 0.10.80 Ares and S.F.No.141/11 admeasuring 0.11.20 Ares and consequently directing the respondents to hand over the possession of the said lands to the petitioner and his wife, in view of the patta issued by the second respondent.



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For Petitioner : Mr.G.Pugazhenth
For Respondents :
For R1 to R3 : Mr.M.Shahjahan
Special Government Pleader
For R4 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the first to third respondents and Mr.A.M.Ayyadurai, learned Government Advocate takes notice on behalf of the fourth respondent.

2. After hearing the learned counsel for the petitioner and the learned Special Government Pleader for the first to third respondents and the learned Government Advocate for the fourth respondent, I am inclined to dismiss this writ petition considering the fact that the petitioner has already correctly instituted several proceedings including in O.S.No.5 of 2022, before the District Munsif Court at Chidambaram.

3. Having failed to secure any interim order, the petitioner has now filed this writ petition stating that the petitioner's property cannot be utilized by the respondents for putting up the construction even though the pattas were issued as early as 2014. There are several disputed questions of fact which cannot be determined in this proceedings. The petitioner has rightly proceeded before the District Munsif Court, Chidambaram, in the above suit. In case, such suit has been filed for permanent injunction, it is open for the petitioner to file a proper application for amending the relief for mandatory injunction.

4. This Writ Petition is therefore dismissed with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

arb



To

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Tahsildar,
Taluk Office,
Chidambaram, Cuddalore District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Chidambaram, Cuddalore District.
4. The Block Development Officer,
Parangipettai Panchayat Union,
Parangipettai, Cuddalore District.

+lcc to Mr.G.Pugazhenthhi, Advocate, S.R.No.34347
+lcc to the Government Pleader, S.R.No.35532

W.P.No.14494 of 2022
and
W.M.P.No.13701 of 2022

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NSK/27/06/2022