



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. NO.4271 OF 2017

Mani @ M. Sundarajan,
President,
Board of Trustees of Sri Siddhi
Vinayagar Sri Sivasubramaniam
Swamy Devasthanam,
Pethuchettipet, 76, Vel Koil St.,
Lawspet Post,
Puducherry-605 008.

... Petitioner

Versus

1. Union of India,
rep. by the Secretary to Government,
(Revenue), Govt. of Puducherry,
Union Territory of Puducherry,
Chief Secretariat, Puducherry.
2. The Collector,
Pondicherry Region,
The Government of Puducherry,
Puducherry.
3. The Sub-Collector (Revenue),
Dept. of Revenue (North),
Government of Puducherry,
Puducherry.
4. The Director of School Education,
Directorate of School Education,
Government of Puducherry,
Anna Nagar, Puducherry.
5. V.K.Pandian,
S/o. Late Kathirvelu @ Vazhmuni

... Respondents



PRAYER :

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to initiate legal action by prosecution as against the 5th respondent herein as undertaken in terms of the intimation given to the petitioner under proceedings No.6071/SCRN/PP/2009 dated 17.09.2009 by the third respondent and receive the property comprised in R.S.No.110/10-A situated at Pethuchettipet, Lawspet Post, Puducherry region, Puducherry.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.V.P.Chamuraj,
for M/s.V.Usha,
Addl. Govt. Pleader (Pondy.)
R1 to R4

Mr. A.R.Suresh for R5

O R D E R

This Writ Petition has been filed seeking a direction directing the respondents 1 to 4 to take action against 5th respondent for having sold the land, which was acquired by the respondents 1 to 4, Government of Puducherry.

2. The grievance of the petitioner is that, earlier, there was a title dispute between petitioner temple and 5th respondent. Subsequently, even though the decree was passed in favour of 5th respondent, the lands were acquired by the Government of Puducherry and the possession was also taken by the Government. Despite the same, the 5th respondent sold the property in favour of third party. Hence, he has made a representation to the 1st respondent to take action against the 5th respondent, that was not considered by the respondents 1 to 4. Hence, the present Writ Petition has been filed seeking a direction.

3. Mr.A.R.Ramesh, learned counsel appearing for 5th respondent would submit that, as per the decree passed by the civil court, he is owner of the property and that apart, he has sold only the remaining extent of land, which was not acquired by the Government.

4. The 3rd respondent filed a counter affidavit stating that, the 4th respondent already filed a police complaint against the 5th respondent before the Lawspet Police Station, Puducherry and the same is pending.



5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

6. Considering the fact that, already the Government of Puducherry has initiated action against the 5th respondent, no further adjudication is required in this Writ Petition. Accordingly, this Writ Petition stands closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
Union of India,
(Revenue), Govt. of Puducherry,
Union Territory of Puducherry,
Chief Secretariat, Puducherry.
2. The Collector,
Pondicherry Region,
The Government of Puducherry,
Puducherry.
3. The Sub-Collector (Revenue),
Dept. of Revenue (North),
Government of Puducherry,
Puducherry.
4. The Director of School Education,
Directorate of School Education,
Government of Puducherry,
Anna Nagar, Puducherry.

+1cc to Mr.R.Natarajan, Advocate, S.R.No.14368
+1cc to Mr.A.R.Suresh, Advocate, S.R.No.14087
+1cc to the Government Pleader, S.R.No.14486

W.P.No.4271 of 2017

PMK (CO)
PM/08/04/2022