



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 12-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.3421 of 2018

A.Arumugam

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Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Vazhuthavur Road,
Puducherry.
- 2.The Deputy Collector (Revenue)/South,
Villianur,
Puducherry.
- 3.The Tahsildar,
Taluk Office, Villianur,
Puducherry.
- 4.The Commissioner,
Hindu Religious Institutions,
No.25, Lauristan Street,
Puducherry.
- 5.The Director,
Directorate of Survey and Land Records,
Puducherry.



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Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to Order No.6845/DCRS/PP/A5/2017, dated 11.01.2018, passed by the second respondent and quash the same and consequently direct the respondents 1 to 5 to remove the encroachment made by the sixth respondent in land comprised in RS No.10/16 of Vambupet Village, Puducherry.

For Petitioner : Mr.K.Sasindran

For Respondents 1 to 5 : Mr.V.Vasanthakumar,
Addl.Govt.Pleader (Puducherry).

ORDER
(By *S.Vaidyanathan,J.*)

Petitioner has come forward with this Writ Petition, stating that patta land belonging to Mariamman Koil in R.S.No.10/16, measuring an extent of 00.16.32 Ha., in Vambupet Village, Puducherry, has been encroached by the sixth respondent, for which he made an application to the first respondent on 27.07.2017 for removal of the said encroachment, pursuant to which, an inspection was conducted, and, after hearing the parties, by the order impugned, dated 11.01.2018, the second respondent has passed an order, rejecting the request of the petitioner.



2. Petitioner has vehemently contended that the third respondent – Tahsildar has admitted that the land belongs to Mariamman Temple.

3. Perusal of the records would make it clear that the disputed land was previously a Natham Poramboke and the same was converted in the name of the present Trustee of Mariamman Koil during Natham Survey after the year 1980. It is further seen that the Trustees of Mariamman Koil also admitted that the disputed land was under the possession of the family members of the sixth respondent, namely, Thiru V.Selvam for the past three decades. Since there was a dispute and that the ownership would not be ascertained, the second respondent has passed the impugned order, advising the Trustees of the Temple to approach the Civil Court for appropriate remedy and Thiru V.Selvam to approach the Settlement Officer to get the Settlement Register corrected in his name in terms of Section 23 (1) of the Pondicherry Settlement Act, 1970, if he has documentary evidence.

4. Since there is a disputed question of fact, we are of the view that the order impugned, dated 11.01.2018, passed by the second respondent is perfectly in order and the parties aggrieved are entitled to approach the Civil Court for appropriate remedy and the petitioner cannot seek the present relief in the Writ Petition.



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5. Writ Petition stands dismissed. No costs. Consequently, the connected

W.M.P.Nos.4193 and 4194 of 2018 are closed.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
12-07-2023

To

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5/5



W.P.No.3721/2018

S.VAIDYANATHAN,J.
AND
K.RAJASEKAR,J.

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