



W.P.No.32950 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.32950 of 2015

Sri Drowpathiamman Koil
Koilpathu, Kaaraikal, by its
Trustee Guna @ Gunasundari
Represented by her power agent
Mr.V.N.Senguttuvan
S/o.Naadimuthu
Drowpathiamman Koil Street
Koilpathu, Kaaraikal
Pondicherry

.. Petitioner

Versus

1. The Director of Town and Country
Planning, Pondicherry
Pondicherry State

2.The Deputy Director of Town and
Country Planning
Karaikkal and District
Pondicherry State

3.Lourdhy Mary

.. Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents 1 & 2 from granting permission to the 3rd respondent for putting up the proposed construction in



W.P.No.32950 of 2015

respect of the property bearing Door No.27, Drowpathiamman Koil Street, Comprised in Survey No. 59, Koilpathu Village, Kaaraikal Town, Pondicherry based on my representation dated 28.09.2015.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.M.Nirmal Kumar for R1 & R2
Government Advocate
Mr.T.M.Naveen for R3

ORDER

This writ petition has been filed seeking to to forbear the respondents 1 & 2 from granting permission to the 3rd respondent for putting up the proposed construction in respect of the property bearing Door No.27, Drowpathiamman Koil Street, Comprised in Survey No. 59, Koilpathu Village, Kaaraikal Town, Pondicherry based on my representation dated 28.09.2015.

2. Though the official respondents is made as party, the grievance of the petitioner is only against the third respondent. It is the contention of the petitioner that the property belongs to the temple and the third respondent has encroached and put up thatched shed. Now, the third respondent is trying put up permanent construction. Hence, the petitioner gave a representation to the respondents and the same is pending.



W.P.No.32950 of 2015

WEB COPY

3. The learned counsel for the respondents submitted that the temple had already filed a suit in O.S.No.226 of 2001 before the Principal District Munsif, Karaikal and the same had already been dismissed on the ground that there is no one in the subject premises.

4. Such view of the matter, once the issue appears to be a private dispute, the remedy of the petitioner lies elsewhere not by way of a Writ Petition before this Court. This Court is of the view that entertaining such writ for private dispute cannot be permitted in the eye of law.

5. With the above observations, this writ petition is liable to be dismissed. No costs. However, liberty is granted to the petitioner to establish their right before the appropriate Civil Court.

06.01.2023

dhk

Index : Yes / No

Speaking Order : Yes / No

3/5



WEB COPY



W.P.No.32950 of 2015

N.SATHISH KUMAR, J.

dhk

To

1. The Director of Town and Country
Planning, Pondicherry
Pondicherry State

2. The Deputy Director of Town and
Country Planning
Karaikkal and District
Pondicherry State

W.P.No.32950 of 2015



WEB COPY



W.P.No.32950 of 2015

06.01.2023