



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.15194 of 2023
and WMP.No.14706 of 2023

Nagarajan

... petitioner

-Vs-

1. The Superintendent Engineer
PWD, Building Construction
and Maintenance Circle,
PWD Campus, South Main Street,
Tiruvallur.

2. S.Mohan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus forbearing the respondents from disturbing the petitioner's possession and enjoyment of land measuring 65 cents in Survey No.640/1 of Paravakottai Village, Mannargudi Taluk, Tiruvarur District, under the guise of proposed construction of Hospital at Paravakottai Village.

For petitioner : Mr.B.Jawahar

For Respondent : Mr.V.Manoharan, AGP R1

**ORDER**

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This petition has been filed forbearing the respondents from disturbing the petitioner's possession and enjoyment of land measuring 65 cents in Survey No.640/1 of Paravakottai Village, Mannargudi Taluk, Tiruvarur District, under the guise of proposed construction of Hospital at Paravakottai Village.

2. It is the case of the petitioner that his grandfather purchased the land measuring 30 cents in S.No.640 through a sale deed dated 11.10.1957. The petitioners father and his brother had purchased 8 1/3 cents of land in S.No.640 vide sale deed dated 14.05.1959. Again, in the year 1964, the petitioner's father and his brother purchased a land measuring an extent of 26 2/3 cents in S.No.640. In respect of S.No.640 measuring an extent of 5 acres and 15 cents belongs to the private individuals, over which, the Government have no right of the title.

3. Such being the position, the respondents entered into the petitioners land and measured the same and informed that they proposed to construct the hospital in the said land, for which, the petitioner made a representation on 18.02.2023 to the respondents not to encroach his lands. However, the respondents are trying to evict the petitioner from the said lands. Without having



no other option, the petitioner has filed the present writ petition.

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4. The learned counsel for the petitioner submitted that absolutely the petitioner is the owner of the land in S.No.640 of Paravakottai Village and he is in possession of the said land. If the land is required for any purpose, the Government would acquire the land by following the land acquisition procedure. Without following any procedure, the Government had attempted to dispossess the petitioner, which is highly illegal one. Therefore, this Court may direct the respondents not to disturb the petitioner's possession and enjoyment of land measuring 65 cents in Survey No.640/1 of Paravakottai Village, Mannargudi Taluk, Tiruvarur District, under the guise of proposed construction of Hospital at Paravakottai Village.

5. The learned Additional Government Pleader submitted that if the petitioner has any grievance in respect of the subject property, he has to approach the competent civil forum for getting appropriate remedy. Instead of doing that, the petitioner filed the present writ petition, which could not be accepted. This Court may dismiss the writ petition.



6. Heard the learned counsel on either side and perused the materials available on record.

7. As rightly submitted by the learned Government counsel that since the issue involved in the present case is disputed question of fact, which cannot be decided by this Court. The petitioner has to approach the competent civil forum for getting appropriate remedy. Hence, the prayer sought for by the petitioner cannot be granted and therefore, the writ petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is also closed.

05.06.2023

rli

To

The Superintendent Engineer
PWD, Building Construction and Maintenance Circle,
PWD Campus, South Main Street,
Tiruvallur.



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M.DHANDAPANI, J.

rli

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