



W.P. No. 30000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30000 of 2023

P.R.Ekambaram Reddy

... Petitioner

-VS-

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.
2. The Commissioner of Rural Development and Panchayat Raj Department,
Annai Terasa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam,
Chennai – 600 034.
3. The District Collector,
Vellore District.
4. The Assistant/Project Director (Panchayat),
District Collector Office Campus,
Vellore District.
5. The Block Development Officer (Rural Development),
Vinnamalangalam Village Panchayat,
Katpadi Taluk,
Vellore District.

6. V.Valliyammal
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third to Fifth Respondents herein to consider the representation of the Petitioner dated



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24.06.2023 and do the needful.

For Petitioner : Mr. S.Rajkumar
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 to R4)
Mr. Prashanth Kishore (for R5)

ORDER

Heard Mr. S.Rajkumar, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First to Fourth Respondents and Mr. Prashanth Kishore, Learned Counsel, who takes notice for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Sixth and Seventh Respondents, notice to them is dispensed with.

3. The grievance ventilated by the Petitioner in this Writ Petition is that the Sixth and Seventh Respondents have executed gift deeds in favour of the panchayat of the Fifth Respondent for use as burial ground for the village without any right, title or interest in that property, which actually belongs to



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him. Such matter evidently falls under the realm of disputed questions of fact, which cannot be effectively determined in the summary procedure followed under Article 226 of the Constitution. It must be recapitulated here that the Hon'ble Supreme Court of India in the decision in *Roshina T. -vs- Abdul Azeez K.T.* [(2019) 2 SCC 329] has cautioned that such claims would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court. In such circumstances, it is not possible for this Court to entertain this Writ Petition and it is made clear that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In fine, the Writ Petition is dismissed with the aforesaid observations. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.11.2023.

vjt

To

1. The Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai – 600 009.



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2. The Commissioner of Rural Development and Panchayat Raj Department,
Annai Terasa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam,
Chennai – 600 034.
3. The District Collector,
Vellore District.
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