



W.P. No. 29965 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. 29965 of 2023

and

W.M.P. No. 29578 of 2023

E.Kannan

... Petitioner

-VS-

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Block Development Officer,
Panruti Union Office,
Panruti,
Cuddalore District.

3. The Tahsildar,
Panruti Taluk,
Panruti,
Cuddalore District.

4. S.Manivannan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to remove the construction made in the land in S. No. 58/8, Semakottai Village, Panruti Taluk, Cuddalore District belong to the Petitioner classified as natham land and to restore the land to the original position, including payment of damages.



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For Petitioner : Mr. S.Nedunchezhiyan
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 and R3)
Mr. Prashanth Kishore (for R2)

ORDER

Heard Mr. S.Nedunchezhiyan, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the First and Third Respondents and Mr. Prashanth Kishore, Learned Counsel, who takes notice for the Second 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 Fourth Respondent, notice to him is dispensed with.

3. The grievance ventilated by the Petitioner in this Writ Petition is that the Fourth Respondent, who is the President of the Village Panchayat, is constructing a building in the village without any right, title or interest in that property, which actually belongs to the Petitioner. Such matter evidently falls



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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. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.11.2023.

vjt

To

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Block Development Officer,
Panruti Union Office, Panruti,
Cuddalore District.



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3. The Tahsildar,
Panruti Taluk,
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