



W.P. No. 33486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

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

W.P. No. 33486 of 2023

Dr. S.Rajiya

... Petitioner

-VS-

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Villupuram,
Villupuram District.
3. The Tahsildar,
Thiruvannainallur Taluk,
Villupuram District.
4. The Block Development Officer,
Office of Circle,
Thiruvannainallur,
Villupuram District.
5. B.Mansure
6. V.Karthi
7. V.Prabhu
8. Suresh Iyer
9. Manimegalai
10. Muthu



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11. Panneerselvam

12. Patturoja

13. Narayanan

14. Venkatesan

15. Kaleel

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Fourth Respondent to consider the Petitioner's representation dated 02.11.2023 to vacate the Fifth to Fifteenth Respondents from the property bearing Survey Nos. 181/1 and 181/4 situated at Periya Sevalai X Road, Saravanapakkam Village, Tiruvennainallur Taluk, Villupuram District.

For Petitioner : Mr. K.Murali

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

Mr. S.Suriya (for R4)

ORDER

Heard Mr. K.Murali, Learned Counsel for the Petitioner, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First to Third Respondents, and Mr. S.Suriya, Learned Counsel, who takes notice for the Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



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

3. The grievance ventilated by the Petitioner is that he had made a representation dated 02.11.2023 to the Fourth Respondent to vacate the Fifth to Fifteenth Respondents in the property located at Survey Nos. 181/1 and 181/4 situated at Periya Sevalai X Road, Saravanapakkam Village, Tiruvennainallur Taluk, Villupuram District, said to be belonging to him, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. Having regard to the nature of the aforesaid relief sought, it must be pointed out that the Hon'ble Supreme Court of India in the decision in ***Roshina T. -vs- Abul Azeez K.T.*** [(2019) 2 SCC 329], has cautioned against determining disputed questions of fact relating to property rights in proceedings following summary procedure under Article 226 of the Constitution and that the same would have to be answered one way or the other only in a properly framed suit impleading necessary parties before the civil court.



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5. In view of the aforesaid legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty.

No costs.

01.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.02.2024.

vjt

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Villupuram,
Villupuram District.
3. The Tahsildar,
Thiruvannainallur Taluk,
Villupuram District.
4. The Block Development Officer,
Office of Circle,
Thiruvannainallur,
Villupuram District.



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Copy to

1. B.Mansure,
S/o. Babu,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
2. V.Karthi,
S/o. Velu,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
3. V.Prabu,
S/o. Venkatesan,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
4. Suresh Iyer,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
5. Manimegalai,
W/o. Elangovan,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
6. Muthu,
M/o. Badma,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.



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7. Pannerselvam,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
8. Patturoja,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
9. Narayanan,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
10. Venkatesan,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.
11. Kaleel,
Periya Sevalai X Road,
Saravanapakkam Village,
Tiruvonnainallur Taluk,
Villupuram District.



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P.D. AUDIKESAVALU, J.

vjt

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