



WEB COPY



W.P.No.634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

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... Petitioner

Versus

1. The District Collector/Chairman,
District Rural Development Agency (DRDA)
Krishnagiri.

2. The Project Director,
District Rural Development Agency (DRDA)
Krishnagiri.

3. The Block Development Officer,
Krishnagiri.

4. The Assistant Engineer,
Panchayat Union,
Krishnagiri.

5. Farid

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, Directing the Respondents 1 to 4 to conduct enquiry and cancel the allotment of Shop No. 11 Issued in favour of the 5th respondent in Venkatapuram Panchayat, Krishnagiri District and consequently direct the Respondents 1 to 4 to issue fresh allotment infavour of the petitioner pursuant to the Representation dated 13.12.2022 within the



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stipulated time as may be fixed by this Honble court.

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For Petitioner : Mr.J.Pradeep

For Respondents : Mrs.R.Anitha, SGP RR1 & 2
Mr.K.Surendran, AGP RR3 & 4

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 4 to conduct enquiry and cancel the allotment of shop No.11 issued in favour of the 5th respondent in Venkatapuram Panchayat, Krishnagiri District and consequently, direct the respondents 1 to 4 to issue fresh allotment in favour of the petitioner pursuant to the representation dated 13.12.2022.

2. On perusal of the entire records, this Court is of the view that the writ petition is not maintainable, what has been raised during arguments is disputed question of facts and the same cannot be agitated as against the 5th respondent which is impermissible, while exercising the power under Article 226 of the Constitution of India.

3. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that the goods are all inside the shop and seeks permission to take the goods. Whereas, the learned Special Government Pleader submitted



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that the official respondents would permit the petitioner to take all the goods by tomorrow itself.

4. As the issue involves around who is in possession of the property and whether petitioner is owning goods, are disputed facts, the same cannot be decided by this Court. In the result, the writ petition is dismissed. No costs.

10.01.2023

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To

1. The District Collector/Chairman,
District Rural Development Agency (DRDA)
Krishnagiri.

2. The Project Director,
District Rural Development Agency (DRDA)
Krishnagiri.

3. The Block Development Officer,
Krishnagiri.

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4. The Assistant Engineer,
Panchayat Union,
Krishnagiri.

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