



WP No.12900 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P No.12900 of 2018

and

W.M.P.Nos.15140, 15141 & 15142 of 2018

- 1.Madimchetty Venkateswara Rao
- 2.Madimchetty Brundaveni
- 3.Maddimchetty Ravi Sudhakar,
- 4.Maddimchetty Vijayakumar
- 5.Maddimchetty Varalakshmi

... Petitioners

-Vs-

- 1.The Union Territory of Puducherry,
Director of Local Administration (DLA)
Puducherry.
- 2.The District Collector,
Vazhudavour Road,
Puducherry.
- 3.The Executive Engineer,
Public Works Department,
Yanam.
- 4.The Assistant Engineer,
Electricity Department,



WP No.12900 of 2018

Yanam.

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5.The Commissioner,
Yanam Municipality,
Yanam.

6.Bhavanarushi Temple
Rep. by Trustee,
Yerragunta Street,
Yanam – 533 464.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Ceriorarified Mandamus, calling for the records pertaining to impugned tender notification dated 04.05.2018 issued by the 5th respondent Municipality, Yanam to construct the first floor roof slab for the community hall with marble flooring at Yerragunta Street, Yanam and to quash the same and consequently, direct the 5th respondents to remove the illegal construction made in the petitioners' property at T.S.No.B/24/3, Yerragunta Street, Yanam.

For Petitioner : Ms.Usha Ramman

For Respondents : Mr.R.Sreedhar,
Public Prosecutor, Puducherry.

ORDER



WP No.12900 of 2018

WEB COPY

This writ petition has been filed in a nature of Certiorarified Mandamus seeking records relating to the tender notification dated 04.05.2018 issued by the 5th respondent, Municipality, Yanam, to construct the first floor roof slab for the community hall with marble flooring at Yerragunta Street, Yanam and to quash the same and direct the 5th respondents to remove the illegal construction made in the property at T.S.No.B/24/3, Yerragunta Street, Yanam.

2.After filing of this writ petition, the petitioners have filed W.P.No.20999 of 2018 also questioning the order of the 2nd respondent with respect to very same property. A learned Single Judge had adjudicated the said writ petition and by an order dated 11.02.2019, had observed as follows:

“3. Upon perusing the materials placed before this Court, it is apparent that a title dispute between the petitioners on one side and the Temple on other side exists in respect of the subject matter property. It appears that both sides claimed the right and title over the subject matter property. The Temple seems to have obtained patta in their



WP No.12900 of 2018

favour in respect of the property. The second respondent in the impugned order has found that neither the Temple nor the petitioners have filed any documentary evidence in respect of the subject matter land in support of their claim over the same. Needless to state that any entry made in the Revenue records is always subject to the decision of the Civil Court dealing with the title dispute of the respective parties and therefore, considering the facts and circumstances of the present case, this Court is of the view that it is for the petitioners to approach the competent Civil Court and file appropriate Civil Suit with comprehensive relief so that the title dispute between the petitioners on one side and the Temple on other side can be considered and decided by appreciation of the evidence let in by both parties.

4. Therefore, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioners as well as the respondent-Temple only with liberty to the petitioners to approach the Civil Court and seek appropriate relief by filing appropriate Civil Suit, by impleading all necessary parties as the parties/defendants. No costs. Consequently, connected miscellaneous petitions are closed.”



WP No.12900 of 2018

WEB COPY

3.The same order also enures to the petitioners herein. Admittedly there is a title dispute between the petitioners and the 6th respondent. It is only the Civil Court which can examine the right of a party, particularly when the party claims title to the land. This Court never adjudicate on the same. As stated in the earlier order, the petitioners are directed to approach the Civil Court provided the law of limitation is in their favour.

4.With the above observations, this Writ Petition stands disposed of.
No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

15.11.2024

smv

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1.The Union Territory of Puducherry,
Director of Local Administration (DLA)
Puducherry.

Page 5 of 6



WEB COPY



WP No.12900 of 2018

C.V.KARTHIKEYAN, J.

smv

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Vazhudavour Road,
Puducherry.
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W.P No.12900 of 2018

15.11.2024