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W.P.No.19774 of 2018 and 7758 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19774 of 2018 and 7758 of 2019

and

W.M.P.Nos.23216 of 2018 & 8395 of 2019

Chidambaram Sarvodaya Sangh,
Rep. by its Secretary E.Balakrishnan,
Reg.No. 31/1974,
Having Head Office No. 48,
South Car Street,
Chidambaram – 608 001,
Cuddalore District,
(Affiliated with the Tamil Nadu
Sarvodaya Sangh, Tirupur)

... Petitioner in both W.P.'s

Vs.

- 1.The District Collector,
Cuddalore,
Cuddalore District.
- 2.The Thasildar,
Chidambaram Taluk,
Cuddalore District.
- 3.The Block Development Officer,
Keerapalayam Panchayat Union,
Chidambaram Taluk,
Cuddalore District.



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4. Khadi and Village Industries Commission,
Ministry of Micro, Small and Medium Enterprises,
Government of India,
No. 326, Avvai Shanmugham Road, Gopalapuram,
Chennai – 600 086, Tamil Nadu.

5. Chezhan

... Respondents 1 to 5 in
both W.P's

6. Krishmakumar

7. Arulmozhi

... Respondents 6 & 7 in
W.P.No. 7758 of 2019

Prayer in W.P.No. 19774 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from using/utilizing/grabbing the land of the petitioner measuring one cent situated in Survey No. 74/2C, Orathur Village, Chidambaram Taluk, Cuddalore District.

Prayer in W.P.No. 7758 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st to 3rd respondents and their subordinates from taking away/use/utilize the lands in survey No. 78 of Orathur Village, Chidambaram Taluk, Cuddalore District without taking into account the safety of the petitioner's sangh and there is no access and the same is in possession of the petitioner from independence till date for irrigation.



For petitioner : Mr.K. Raja [in both W.P's]
For R1 to R3 : Mr.P.Balathandayutham
Special Government Pleader
[in both W.P's]
For R5 : Mr.B.Singaravelu
for P.P.Shanmuga Sundaram
[in both W.P's]
For R4, R6 & R7 : No appearance

COMMON ORDER

These writ petitions have been filed to forbear the respondents from using/utilising/grabbing the land of the petitioner situated in Survey Nos. 74/2C and 78 in Orathur Village, Chidambaram Taluk, Cuddalore District.

2. Mr.K.Raja, the learned Counsel for the petitioner would submit that the subject properties are owned by the petitioner/Chidambaram Sarvodaya Sangh. The 5th respondent is attempting to obstruct the property by instigating the 3rd respondent/Block Development Officer who has made an attempt to put up e-center.



3. Mr.P.Balathandayutham, learned Special Government Pleader would submit a Civil Suit has been instituted by Mr.Karunakaran in O.S.No.164 of 2017. The plaintiff died and the suit got abated.

4. May that as it be, this Court is of the considered opinion that the disputes relating to Civil rights cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. If at all, the 3rd or 5th respondents are attempting to grab the land belongs to the petitioner, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of establishing their title, ownership etc., Contrarily, High Court merely based on the affidavit cannot form an opinion regarding the title of the subject property. Such disputes require adjudication of documents and evidence available on record and therefore, the relief as such sought for cannot be granted. It is needless to state that the 3rd respondent being a State has to construct any e-center, if the land belongs to the Government or private lands are acquired for public purpose. All these facts deserves adjudication. Thus, the petitioner is at liberty to approach Competent Civil Court of law for the purpose of establishing their rights. In the event of any grabbing or fraud, suitable actions may be initiated.



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With these observations, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.02.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

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