



W.P.No.27893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.27893 of 2024

ABOORVAM AMMAL

Vs

.. Petitioner

1. THE COLLECTOR
CUDDALORE DISTRICT,
CUDDALORE.
2. THE TAHSILDAR
KURINJIPADI TALUK,
KURINJUPADI.
3. THE BLOCK DEVELOPMENT OFFICER
VILLAGE PANCHAYAT UNION,
KURINJIPADI PANCHAYAT UNION OFFICE
KURINJIPADI TALUK, CUDDALORE DISTRICT.
4. THE DISTRICT SOCIAL WELFARE OFFICER
VILLAGE PANCHAYAT UNION
KURINJIPADI PANCHAYAT UNION OFFICE,
KURINJIPADI TALUK, CUDDALORE DISTRICT.
5. THE PRESIDENT
ANUKKAMPATTU PANCHAYAT
KURINJIPADI TALUK,
CUDDALORE DISTRICT.

.. Respondents



W.P.No.27893 of 2024

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to surrender the lands encroached in S.No.28/1 of Anukkampattu Village, Kurinjipadi Taluk, Cuddalore District belonging to the writ petitioner by removing the encroachment or alternatively directing the Respondents to acquire the encroached lands belonging to the writ petition and pay fair compensation.

For the Petitioner : Mr.T.S.Baskaran

For the Respondents : Mr.M.Habeeb Rahman
Government Advocate
for respondents 1 to 4

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to direct the respondents to surrender the lands in S.No.28/1 of Anukkampattu Village, Kurinjipadi Taluk, Cuddalore District, belonging to the writ petitioner by removing the encroachment or in the alternative to direct the respondents to acquire the encroached lands belonging to the writ petitioner and pay fair compensation.



W.P.No.27893 of 2024

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2. Admittedly, the petitioner has already filed a suit in O.S.No.44 of 2021 on the file of the Subordinate Judge, Neiveli, seeking declaration of title; delivery of possession; and damages, in respect of the writ subject property. The grievance ventilated by the petitioner is that pending consideration of the said suit, the respondents are endeavouring to put up an Anganwadi Building in the writ subject property and, hence, the direction as prayed for be granted.

3. It is well settled proposition of law that this Court would not go into intricate questions relating to property rights, as a regular suit is the appropriate remedy for settlement of such disputes, and the remedy under Article 226 of the Constitution of India, which is summary in nature, is not available for such purposes.

4. The instant writ petition raises complex questions of fact qua the title of the property and the determination thereof, with certitude, requires evidence to be let in. Inasmuch as the petitioner



W.P.No.27893 of 2024

has already filed a suit and the same is pending, we are not disposed to entertain the writ petition. It is for the petitioner to workout her rights in the pending suit.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.No.30423 of 2024 is closed.

(D.K.K., ACJ.) (M.J.R., J.)
26.09.2024

Index : Yes/No
NC : Yes/No
sasi

To:

1. THE COLLECTOR
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CUDDALORE.
2. THE TAHSILDAR
KURINJIPADI TALUK,
KURINJUPADI.
3. THE BLOCK DEVELOPMENT OFFICER
VILLAGE PANCHAYAT UNION,
KURINJIPADI PANCHAYAT UNION OFFICE
KURINJIPADI TALUK, CUDDALORE DISTRICT.
4. THE DISTRICT SOCIAL WELFARE OFFICER
VILLAGE PANCHAYAT UNION
KURINJIPADI PANCHAYAT UNION OFFICE,



W.P.No.27893 of 2024

KURINJIPADI TALUK, CUDDALORE DISTRICT.

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W.P.No.27893 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
M.JOTHIRAMAN,J.

(sasi)

W.P.No.27893 of 2024

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