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W.P.(MD) No.17223 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.17223 of 2018

The NGGO Colony Residents
Welfare Association
rep.by its President reg.No.104/99
NGGO Colony
Srivilliputhur 626 125
Virudhunagar District

... Petitioner

-VS-

- 1.The District Collector
Virudhunagar
Virudhunagar District
- 2.The Commissioner
Srivilliputhur Municipality
Srivilliputhur
Virudhunagar District
- 3.The Deputy Registrar of Cooperatives
Housing Society Limited
Virudhunagar Region
Virudhunagar District



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4.The Special Officer
Srivilliputhur Circle Cooperative
Housing Society, Srivilliputhur
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to the evict the fourth responent from the community hall and hand over the community centre to the petitioner association based on the petitioner representation dated 20.04.2018 within the time stipulated by this Court.

For Petitioner : Mr.S.Alagusundar

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 & R3
Mr.J.Parakkumar for R2
Mr.R.Saravanan for R4

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents 1 to 3 to the evict the fourth responent from the community hall and handover the same to the petitioner – Association based on their representation dated 20.04.2018, within the time stipulated by this Court.



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2. The fourth respondent has filed a counter affidavit denying the right of the petitioner – Association over the subject community hall.

3. On a perusal of the materials available on record, we are of the view that the case on hand involves disputed question of facts, which cannot be decided under Article 226 of the Constitution of India and it can be decided only based on the oral and documentary evidence adduced by the parties concerned. Hence, it is for the petitioner – Association to approach the appropriate Forum, if they are having any right over the subject community hall and work out their remedy in accordance with law.

4. With the above observation, this writ petition is disposed of. No costs.

[D.K.K., J.]

[R.V., J.]

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Deputy Registrar of Cooperatives,
Housing Society Limited,
Virudhunagar Region,
Virudhunagar District.



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