



WEB COPY



W.P.No.873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.873 of 2024
and W.M.P.Nos.12649 & 12650 of 2025

J.Ganessin

... Petitioner

Vs

1.The Tahsildar
Taluk Office
Puducherry-4.

2.Kothandam Pillai

3.D.Velmurugan

4.Rajaganapathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to issue a further notice in the land grabbing complaint proceedings in No.4333/TOP/PGR/E/2023 Dt:6.3.2023 to initiate further enquiry against the respondents/land grabbers.

For Petitioner : J.Ganessin (Party-in-Person)

For Respondents : Mr.V.Vasanthakumar
Additional Government Pleader (Puducherry)



W.P.No.873 of 2024

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent to issue a further notice in the land grabbing complaint proceedings in No.4333/TOP/PGR/E/2023 Dt:6.3.2023 to initiate further enquiry against the respondents/land grabbers.

2. Brief facts that are necessary for disposal of this Writ Petition are as follows:-

The petitioner claiming absolute ownership of the subject properties alleges illegal encroachment by some unknown persons. Despite his repeated representations to various authorities in that regard, no action was taken by the authorities which led to the petitioner filing a land grabbing petition before the 1st respondent in which, a notice of enquiry was issued to the petitioner on 06.03.2023 calling upon the petitioner to appear for enquiry before the 1st respondent. Pursuant thereto, though the petitioner had appeared for enquiry while the opposite parties had failed to appear. The said notice dated 06.03.2023, was challenged by the petitioner in W.P.No.14590 of 2023 which was dismissed by this Court vide order dated 05.05.2023 granting liberty to the petitioner to raise his objections in the fresh notice, if any to be issued by the 1st respondent. However, till date, no further enquiry has been initiated by the respondent. Hence the present Writ Petition has been filed seeking the aforesaid relief.



W.P.No.873 of 2024

WEB COPY

3. The petitioner appeared before this Court in person and reiterated the averments made in the affidavit filed in support of the Writ Petition and prayed to grant relief as sought for.

4. Per Contra, learned Additional Government Pleader (Puducherry) appearing for the 1st respondent reiterated the averments made in the counter affidavit filed on behalf of the 1st respondent and submitted that it is the petitioner who had not appeared for enquiry while the respondents 2 to 4 had appeared before 1st respondent and submitted their documents as evidence in support of their claim. However, on perusal of the said documents reveals that the dispute between the petitioner and the private respondents is purely a title dispute which can be adjudicated only by the competent civil court and therefore, the prayer sought for by the petitioner cannot be acceded to.

5. The issue involved in this Writ Petition pertains to the title to the subject properties which is a disputed question of fact and therefore, the same cannot be adjudicated under Article 226 and hence the prayer sought for in this Writ Petition cannot be acceded to. However, it is needless to say that the petitioner is at liberty to pursue his remedy against the alleged land encroachers in the manner known to law.



W.P.No.873 of 2024

WEB COPY

6. The Writ Petition stands disposed of in the above terms. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

04.11.2025
(2/2)

Index : Yes / No

Neutral Citation Case : Yes / No

Nhs

To

The Tahsildar
Taluk Office
Puducherry-4.



WEB COPY



W.P.No.873 of 2024



WEB COPY



W.P.No.873 of 2024

M.DHANDAPANI, J

Nhs

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04.11.2025
(2/2)