

In the High Court of Judicature at Madras

Dated: 14.9.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.27460 of 2012

K.Pappathi

.. Petitioner

vs.

1.The Joint Commissioner,
Land Reforms Dept.,
Erode-1.

2.The Assistant Commissioner,
Land Reforms,
Erode-9.

3.S.Natarjan

.. Respondents

[R3 impleaded vide order dated 28.11.2012 in M.P 1 of 2012
in WP.NO.27460/2012

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to consider the petitioner's representation, dated 16.8.2012, and pass appropriate orders.

For petitioner : Mr.K.Rajasekaran

For respondents : Mr.P.Chinnadurai, Govt. Advocate

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Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 16.8.2012, and pass appropriate orders thereon.

3. According to the petitioner, she belongs to 'Arunthathiyar community', which is a scheduled caste community. As she is a landless poor, the Government had allotted 1797.5 sq.m. of land to her, in Survey No.15/1, Periakottai village, Udumalaipet Taluk, Tiruppur District, under a deed of assignment of surplus land, under Section 94 of the Madras Land Reforms [Fixation of Ceiling on Land] Act, 1961, Madras Act, 58 of 1961] and Tamil Nadu Land Reforms [Disposal of Surplus Land] Rules, 1965, dated 7.11.1985. The Assistant Commissioner of Land Reforms had also issued a 'No Due Certificate', dated 5.11.1996, as the entire amount relating to the said land had been paid by the petitioner.

4. While so, on 6.11.2003, the petitioner had borrowed certain amounts of money from one S.Natarajan, son of Muniappa Gounder, the 3rd respondent herein, for carrying on her agricultural operations. The 3rd respondent had obtained the signatures of the petitioner in various documents stating that they are being obtained, as a security, for the loan granted to her. Later, the petitioner had learnt that the 3rd respondent had misused the documents and had executed a sale deed, dated 13.6.2006, in favour of his relatives and had registered the said document, as document No.3447 of 2006, at the Office of the Sub Registrar, Udumalaipet. In such circumstances, the petitioner had submitted a representation, dated 16.8.2012, to the Joint Commissioner of Land Reforms Department, Erode, the 1st respondent herein. However, as no further action had been taken by the 1st respondent, the petitioner had filed the present Writ Petition, under Article 226 of the Constitution of India.

5. The learned counsel appearing on behalf of the respondents had submitted that the subject matter relates to a civil dispute, with regard to the land said to have been allotted to the petitioner. Therefore, it would be open to the petitioner to pursue her legal remedies, if any, before the civil forum concerned. It may also be open to the petitioner to prefer a complaint against the 3rd respondent, who is said to have misused the documents signed by the petitioner, before the appropriate forum having jurisdiction to entertain such cases. As such, the present Writ Petition filed by the petitioner, is not maintainable.

6. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the present Writ Petition is not maintainable, under Article 226 of the Constitution of India. It is clear that the dispute, which had arisen between the petitioner and the 3rd respondent is of a civil nature. Therefore, it would be open to the petitioner to pursue her legal remedies, if any, before the civil forum concerned. The petitioner could also prosecute the 3rd respondent for breach of trust or for cheating the petitioner, as alleged by her, before the appropriate forum having jurisdiction to entertain such cases. In such

circumstances, as it is found that the present Writ Petition is not maintainable, it stands dismissed, with the above observations. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Joint Commissioner,
Land Reforms Dept, Gandhiji Road,
Erode-1.

2.The Assistant Commissioner,
Land Reforms, No.937 E.V.N.Salai,
Erode-9.

+1 cc to Government Pleader vide sr.50289

+1 cc to Mr.K.Rajasekaran Advocate sr.50122

WP 27460 of 2012

aa06/10/2015

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