

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.11030 of 2014

R.Gunasekaran

... Petitioner

Vs.

1. The District Collector,
Vellore District,
Vellore.

2. The Tahsildar,
Vellore Taluk,
Vellore District.

3. R.Jayachandran

... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the second respondent to conduct an enquiry and carry out necessary amendments in the revenue records in respect of S.No.101, 102 and 105 of Athiyur village, Vellore Taluk and District, as directed by the District Collector, Vellore, by his proceedings in Na.Ka.Q37053/11, dated 10.11.2011 and to implement the same.

For Petitioner : Mr.N.Sampath

For Respondents : Mr.P.Karthikeyan,
Government Advocate for RR1 and 2
Mr.C.P.Sivamohan for R-3

Heard.

ORDER

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the second respondent to conduct an enquiry and carry out necessary amendments, in the revenue records, in respect of S.Nos.101, 102, 105 of Athiyur village, Vellore Taluk and District, as directed by the first respondent, by his proceedings, dated 10.11.2011.

3. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the third respondent had submitted that the petitioner has filed a civil suit, in O.S.No.498 of 2012, on the file of the District Munsif Court, Vellore, praying for a decree, declaring the title of the petitioner, in respect of the lands in question. He had further submitted that the petitioner has suppressed the said fact in the affidavit filed in support of the present writ petition. It has also been stated that the trial in the said civil suit, in O.S.No.498 of 2012, is nearing completion.

4. The learned counsel appearing on behalf of the petitioner had not refuted the said submissions made by the learned counsel appearing on behalf of the third respondent.

5. In such circumstances, this Court is of the considered view that the relief prayed, for by the petitioner, in the present writ petition, cannot be granted by this Court, at this stage. Hence the writ petition stands dismissed. No costs. However, it goes without saying that it would be open to the petitioner to get the necessary relief, before the District Munsif Court, Vellore, in O.S.No.498 of 2012 and to take further steps to make an application, before the appropriate authority concerned, for making entries in the revenue records, if necessary, thereafter.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

vvk
To

Sub Assistant Registrar

1. The District Collector,
Vellore District, Vellore.
2. The Tahsildar,
Vellore Taluk,
Vellore District.
3. The District Munsif Court,
Vellore.

+1cc to Mr.C.P.Sivamohan, Advocate, S.R.No.43367
+1cc to Mr.N.Sampath, Advocate, S.R.No.43162
+1cc to the Government Pleader, S.R.No.43297

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SKV(CO)
CA(17/08/2016)