

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.32886 of 2014
and M.P.No.1 of 2014

S.Murugesan, rep.by his
power of attorney
R.Ramachandran

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
2. The District Revenue Officer,
Villupuram District,
3. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District,
4. Tahsildar,
Chinnasalem,
Kallakurichi Taluk,
Villupuram District,
5. The Inspector of Police,
Chinnasalem Police Station,
Chinnasalem, Kallakurichi Taluk,
Villupuram District,
6. Tmt.Kothayee,
7. Elavarasi Rajapriya,
8. Nitish Rajan, minor,
rep.by his mother and
natural Guardian -
Elavarasi Rajapriya

... Respondents

Respondents No.6 to 8 are impleaded
as per order dated 21.7.2015 in M.P.No.1 of 2015.

Prayer: Writ Petition filed under Article 226 of the
Constitution of India seeking for the relief of issuance of a
writ of certiorarified mandamus to call for the records of the
4th respondent in proceedings No.Na.Ka.A6/3916/2013 dated
25.09.2014 and quash the same and Consequently direct the 4th
respondent to measure and fix the boundary stones as per the

3rd respondent's proceedings in Na.Ka.A6 3916 of 2016 dated 01/2014 in the Survey No.17/4B & 17/4C situated at Chinnasalem village, Kallakurichi Taluk, Villupuram District.

For Petitioner : Dr.S.Padma

For Respondents: Mr.M.E.Raniselvam, Addl. Govt. Pleader
for RR.1 to 5
Mr.P.Thamizhavel for RR.6 to 8.

O R D E R

Though miscellaneous petition is listed today, by consent of the learned counsel appearing on either side, the writ petition itself is taken up for hearing.

2. The petitioner has challenged the impugned order passed by the 4th respondent, dated 25.9.2014, by which, the request made by the petitioner was rejected.

3. Learned counsel appearing for the petitioner submitted that the report of the 3rd respondent - Revenue Divisional Officer has not been taken into consideration by the 4th respondent in the impugned order and a factual mistake has been committed as if in the land of the petitioner is a road laid five decades ago. The petitioner states that as per the power of attorney executed by S.Murugesan, he sold a part of the land i.e., an extent of 0.06 cents out of 0.16 cents in Survey No.17/4B to one R.Rasathi under a registered document No.4176 of 2013.

4. Learned counsel for the impleading respondents submits that correct facts are not placed by the petitioner. The land in respect of which the petitioner seeks to establish his right belongs to the impleading respondents.

5. This Court is not willing to go into the disputed questions of fact. The question regarding title and identification of the land are the matters to be decided by the District Revenue Officer. Even in the impugned order it has been stated that the petitioner can very well approach the said authority.

6. Considering the above, the writ petition stands disposed of giving liberty to the petitioner to file an appeal before the 2nd respondent - District Revenue Officer, Villupuram against the order impugned within a period of six

weeks from the date of receipt of a copy of this order. As and when such an appeal is filed by the petitioner, the District Revenue Officer, Villupuram shall pass a speaking order after issuing notice to the petitioner as well as the impleaded respondents. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
2. The District Revenue Officer,
Villupuram District,
3. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District,
4. Tahsildar,
Chinnasalem,
Kallakurichi Taluk,
Villupuram District,
5. The Inspector of Police,
Chinnasalem Police Station,
Chinnasalem, Kallakurichi Taluk,
Villupuram District,

+1cc to M/s.P Tamizhavel, Advocate, S.R.No.21441

+1cc to the Government Pleader, S.R.No.21696

AD(CO)
EU(13/04/2016)

W.P.No.32886 of 2014