

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43829 of 2016
and
W.M.P. No. 37654 of 2016

1. T.ElavarasiRajapriya
2. T.K. NitheshRajan (minor)
Rep.by grandmother
natural Guardian
viz.,T.Kathayee ..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. The Tahsildar
Chinna Salem
Chinna Salem Taluk
Villupuram District.
5. Murugesan
6. Rasathi .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the 2nd respondent herein in proceedings No. Se.Mu.Aa.3/20367/2015 dated 8.11.2016, quash the same and direct the 2nd to 4th respondents to delete if any entries made in the revenue records in favour of 5th and 6th respondents on the basis of the order dated 08.11.2016 and pass further orders.

For Petitioner : Mr. P. Tamilavel
For Respondents : Mr. R.S. Selvam,
Govt. Advocate

O R D E R

The petitioner has filed this writ petition challenging the impugned proceedings No. Se.Mu.Aa.3/20367/2015 dated 8.11.2016, issued by the second respondent and to quash the same and to direct respondents 2 to 4 to delete entries if any made in the revenue records in favour of 5th and 6th respondents, on the basis of the order dated 08.11.2016.

2. Apart from the other grounds raised before this Court, learned counsel for the petitioner submitted that the impugned order passed by the second respondent is in violation to the principles of natural justice and the said order is barred by limitation since submission has been made in the year 1993. However, there are disputed facts regarding the title of the said property, between the 5th and 6th respondents.

3. Learned Government Advocate representing the respondents would submit that the petitioner has to approach the appropriate forum to get the relief and that the impugned order passed by the authorities will not bind on the Civil Court, therefore the Civil Court shall decide the issue independently, based on the available materials.

4. Considering the facts and circumstances of the case and the submission made by the learned counsel for the parties, the following order is passed :-

- a) Liberty is granted to the petitioner to approach the civil court within one week from the date of receipt of a copy of this order.
- b) Till such time, the respondents 1 to 4, shall not take any coercive steps against the petitioner.
- c) On such filing of the suit, the Civil Court shall decide the case on merits independently, based on the available materials, uninfluenced by the orders passed by the authorities.

6. The writ petition is ordered on the above terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The District Collector
Villupuram District.
2. The District Revenue Officer
Villupuram District.
3. The Revenue Divisional Officer
Kallakurichi Taluk
Villupuram District.
4. The Tahsildar
Chinna Salem
Chinna Salem Taluk
Villupuram District.

+1cc to Mr.P.Tamilavel, Advocate, S.R.No.74562
+1cc to Government Pleader, S.R.No.74809

tm(CO)
sk(23/12/2016)

WEB COPY

W.P. No. 43829 of 2016
and
W.M.P. No. 37654 of 2016