

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.24872 of 2017

K.Manickam

[ Petitioner ]

Vs

- 1 Tahsildar  
Denkanikkottai Taluk Krishnagiri District
- 2 Chief Land Surveyor  
Denkanikkottai Taluk Krishnagiri District
- 3 Deputy Taluk Land Surveyor  
Denkanikkottai Denkanikkottai Taluk  
Krishnagiri District
- 4 Land Surveyor  
Denkanikkottai Taluk Krishnagiri District
- 5 Village Administrative Officer  
Anumanthapuram Village  
Denkanikkottai Taluk Krishnagiri District
- 6 The Sub Registrar  
Sub Registrar Office Denkanikottai
- 7 Ramu @ Sumathi
- 8 K.Ramesh

[ Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing respondents 1 to 6 herein from anyway granting Name Transfer of Patta land measuring document registration in favour of the Respondents 7 & 8 for the lands S.Nos.84, 85, 247, 312 situated at Hanumanthapuram Village, Denkanikottai Taluk, Krishnagiri District without giving opportunity to the petitioner herein.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.S.N.Parthasarathi, GA (R1-6)

#### ORDER

Mr.S.N.Parthasarathi, learned Government Advocate takes notice for the respondents 1 to 6. By consent, the main writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a writ of mandamus forbearing respondents 1 to 6 from in anyway granting Name Transfer of Patta registered in document, in favour of the Respondents 7 and 8 for the lands in S.Nos.84, 85, 247, 312 situated at Hanumanthapuram Village, Denkanikottai Taluk, Krishnagiri District, without giving an opportunity to the him.

3. The apprehension of the petitioner is that his father Kaveri Goundar, is taking steps to execute a Settlement Deed in favour of respondents 7 and 8 and that the property sought to be settled in favour of respondents 7 and 8 is an ancestral property and therefore, his father has no right to execute the Settlement Deed in favour of respondents 7 and 8.

4. On a reading of the affidavit filed in support of this petition, it is clear that the dispute is purely civil in nature and it can be decided only by a competent Civil Court. In a writ proceedings under Article 226 of the Constitution of India, the father of the petitioner and respondents 7 and 8 cannot be restrained from executing a document. The nature of the property, whether it is ancestral or self acquired, can be decided only in a Civil Proceedings and not under Article 226 of the Constitution of India.

5. Mr.S.N.Parthasarathi, learned Government Advocate appearing for the respondents submitted that the petitioner should approach the Civil Court for getting appropriate orders.

5. In view of the submissions made by the learned counsel on either side and also taking into consideration the averments stated in the affidavit filed in support of

this writ petition, I am of the firm view that the petitioner cannot get any relief in this writ petition and his remedy is only before the competent Civil Court.

In these circumstances, the writ petition is devoid of merits and the same is dismissed. No costs.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1 Tahsildar  
Denkanikkottai Taluk Krishnagiri District
- 2 Chief Land Surveyor  
Denkanikkottai Taluk Krishnagiri District
- 3 Deputy Taluk Land Surveyor  
Denkanikkottai Denkanikkottai Taluk  
Krishnagiri District
- 4 Land Surveyor  
Denkanikkottai Taluk Krishnagiri District
- 5 Village Administrative Officer  
Anumanthapuram Village  
Denkanikkottai Taluk Krishnagiri District
- 6 The Sub Registrar  
Sub Registrar Office Denkanikottai

+1cc to Mr.M.P.Saravanan, Advocate sr.67697

+1cc to Government Pleader sr.68892

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GJII(co)  
ss(12/10/2017)