



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.6678 of 2017

and

W.M.P (MD) No.5252 of 2017

Balu Thirumaran

..Petitioner

Vs

1.The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Tiruchirappalli - 620 020.

2.The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records culminated in the impugned order dated 3.1.2017 on the file of the first respondent issued to the Petitioner and quash the same as illegal, void, ultra-vires, without jurisdiction and not in accordance with law and to issue a Writ of Mandamus directing the second respondent not to conduct an enquiry to adjudicate and declare the title to the property comprised in S.F.No.406/3E measuring an extent of Acre 1.17 cents situated at Gundur Village, Thiruverumbur Taluk, Tiruchirappalli District.

For Petitioner :M/s.Shanghar Murali

For Respondents :Mr.M.Alaguthevan
Special Govt. Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Certiorarified Mandamus calling for the records culminated in the impugned order dated 3.1.2017 on the file of the first respondent issued to the Petitioner and quash the same as illegal, void, ultra-vires, without jurisdiction and not in accordance with law and to issue a Writ of Mandamus directing the second respondent not to conduct an enquiry to adjudicate and declare the title to the property comprised in S.F.No.406/3E measuring an



extent of Acre 1.17 cents situated at Gundur Village, Thiruverumbur Taluk, Tiruchirappalli District.

2.Mr.M.Alaguthevan, learned Special Government Pleader takes notice for the respondents.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.There was a dispute between the Petitioner and others with regard to the ownership of the subject property and the same was referred to Anti-Land Grabbing Special Cell, Tiruchirappalli. The first respondent in his proceedings, dated 3.1.2017 has passed an order stating that he was unable to fix the real ownership in respect of the subject-property alleged to have been grabbed by the opposite parties. Therefore, in his wisdom, has referred the complaint to the Revenue Divisional Officer for adjudication of title pertaining to the subject-matter of the property. The Petitioner has challenged the said order on the ground that the Revenue Divisional Officer has no power to decide the title or ownership of the subject-property. However, it is to be seen that the first respondent merely referred the matter before the Revenue Divisional Officer, since he was unable to decide as to the ownership of the property in question. As the reference to the Revenue Divisional Officer cannot give any presumption that the Revenue Divisional Officer will decide the title of the parties claiming ownership of the subject property, it is trite law that the revenue officials have no power to decide the title of the subject property.

5.In such view of the matter, it is always open to the Petitioner to work out his remedies in the manner known to law, pursuant to the impugned proceedings and the Petitioner need not be bound by the observations made by the first respondent in the last paragraph of the proceedings.

6.In such view of the matter, the Writ Petition cannot be entertained at this stage and therefore, the same stands dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

<https://hccerivcecoo.de.gov.in/hcserivcecoo>
The Superintendent of Police,
Anti Land Grabbing Special Cell,
Tiruchirappalli - 620 020.



2.The Revenue Divisional Officer,
Collectorate,
Tiruchirappalli

+1 CC TO MR.SHANKAR MURALI,ADVOCATE,SR NO.51966

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.52515

vsn

MAS/KP/SAR4:21.04.2017:3P-5C

W.P (MD) No.6678 of 2017
and
W.M.P (MD) No.5252 of 2017
13.04.2017



WEB COPY