

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8252 of 2018
and W.M.P.No.10214 of 2018

1.V.Parthiban
2.V.Kala
3.V.Manjula

.. Petitioners

-vs-

1.District Collector,
Tiruvallur District,
Tiruvallur.

2.District Revenue Officer,
O/o District Collector,
Tiruvallur.

3.Revenue Divisional Officer,
Ponneri Taluk, Ponneri,
Tiruvallur District.

4.Apoorvammal

5.N.Dhanapathy

6.Ramadass

7.Dasarathan

8.Kowsalya

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the 2nd respondent from proceeding with the summons issued by the 2nd respondent made in Na.No.1418/2015/A3 dated 11.01.2018 since the matter relates to civil dispute requiring adjudication by a competent civil Court.

For Petitioners :: Mr.M.Gnanasekar

For Respondents :: Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader for R1 to R3.

ORDER

This writ petition has been filed seeking mandamus directing the second respondent not to proceed with the summons issued by the District Revenue Officer, Tiruvallur District, second respondent herein in Na.No.1418/2015/A3, dated 11.01.2018, since the matter relates to civil dispute, requiring adjudication by a competent civil Court.

2. The learned counsel appearing for the petitioners has submitted that after partition took place on 05.08.2008 among Varadaraji, Kala, Parthiban and Uthirapathi, one more partition took place on 11.09.2009. The same was registered on 11.09.2009. Within two months, an application was filed by one Apoorvammal and others against Varadaraji and other on 17.11.2009, claiming ownership in the land in question, which was already partitioned among Varadaraji, Kala, Parthiban and Uthirapathi. After entertaining the said application presented by the said Apoorvammal, the second respondent has ordered for enquiry. The learned counsel for the petitioners has submitted that as the issue has to be dealt with only by a Civil Court, the Revenue authorities cannot go into this matter.

3. Objecting the same, the learned Special Government Pleader appearing for respondents 1 to 3 has submitted that when the said Apoorvammal has already been given a complaint, which has been taken up for hearing, the petitioners have got no documents to prove their claim and to disprove the claim of the said Apoorvammal, they need not hesitate to appear before the second respondent'

4. I fully agree with the submissions made by the learned Special Government Pleader appearing for respondents 1 to 3. When there has been a dispute arisen, it is most appropriate for both parties to appear and establish their case. Therefore, the petitioners are directed to appear before the second respondent. The second respondent is directed to receive the partition deed and other documents going to be filed by the petitioners and thereafter take a decision and pass appropriate orders on merits.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsm

To

1.The District Collector,
Tiruvallur District,
Tiruvallur.

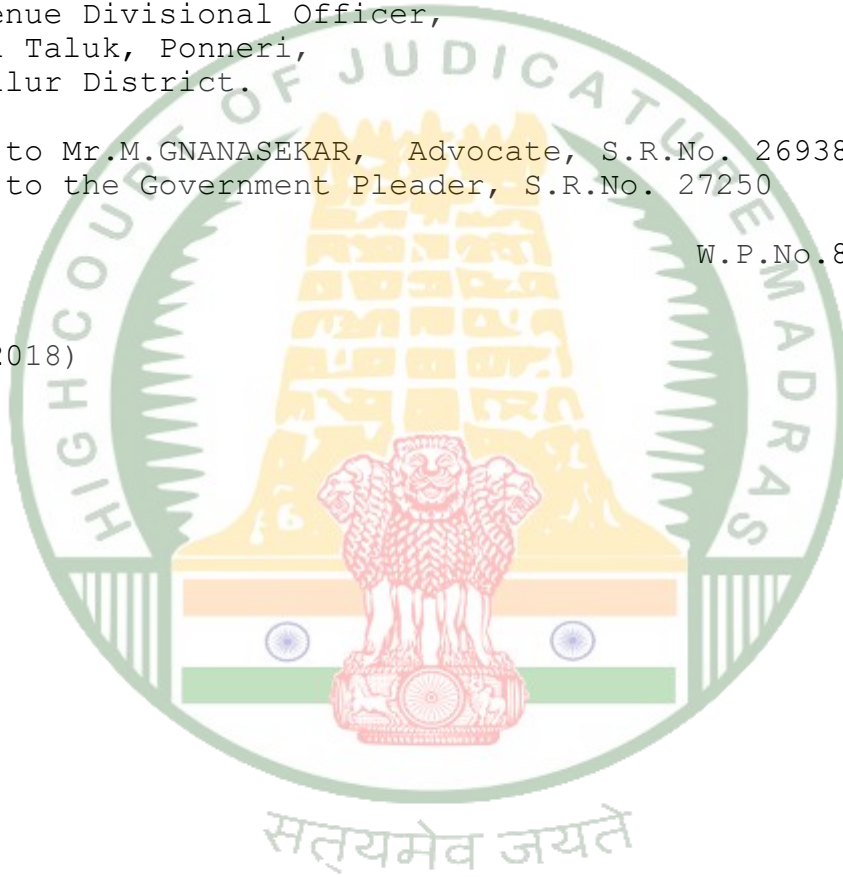
2.The District Revenue Officer,
O/o District Collector,
Tiruvallur.

3.The Revenue Divisional Officer,
Ponneri Taluk, Ponneri,
Tiruvallur District.

+1cc to Mr.M.GNANASEKAR, Advocate, S.R.No. 26938
+1cc to the Government Pleader, S.R.No. 27250

W.P.No.8252 of 2018

SR(CO)
TR(28/04/2018)



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