

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.4211 of 2014

and

M.P.No. 1 of 2014

1.M.Arasa Kumar
2.M.Arul Kumar
3.M.Ananda Kumar
4.M.Prabu Kumar
5.M.Mahalakshmi

...Petitioners

Vs.

1.The District Collector
Thiruvallur District
Thiruvallur.

2.The Tahsildar
Madhavaram Taluk
Tiruvallur District.

3.The Village Administrative Officer
Redhills Surapattu Village
Kathirvedu Village
Madhavaram Taluk
Thiruvallur District.

4.The Revenue Inspector
Redhills Firka
Madhavaram Taluk
Thiruvallur District.

5.The Commissioner
Corporation of Chennai
Rippon Buildings
No.1131, EVR Periyar Salai
Park Town, Chennai - 3.

6.T.T.Subramaniam

... Respondents

Prayer Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the 5th and 6th respondents from interfering with the petitioners' peaceful possession and enjoyment of the land and house premises to an extent of 0.37-1/2 cents in Survey No.191/10 situated at Shanmugapuram, Surapattu Village, Madhavaram Taluk, Thiruvallur District.

For Petitioners : Mr.P.Rathanavel

For Respondents : Mr.J.Ramesh [For R1 to R4]
R5&R6-Dismissed vide court
order dated 15.12.2014

O R D E R

The relief sought for in this writ petition is to forbear 5th and 6th respondents from interfering with the petitioners' peaceful possession and enjoyment of the land and house premises to an extent of 0.37-1/2 cents in Survey No.191/10 situated at Shanmugapuram, Surapattu Village, Madhavaram Taluk, Thiruvallur District.

2.The learned counsel appearing on behalf of the writ petitioners states that the father of the writ petitioners purchased the land, which is the subject matter in this writ petition. Further, the learned counsel now submitted a document in the open court, which is issued by the District Collector in proceedings dated 30.09.2017. Based on the orders of the first respondent /District Collector, Thiruvallur, the learned counsel for the writ petitioners states that the writ petitioners are entitled for the relief of injunction as such sought for in this writ petition. The prayer sought for in this writ petition is absolutely misconceived and in respect of the title and ownership the petitioners have to approach the competent civil court of law.

3.This court in the present writ petition cannot grant injunction on the presumption that the writ petitioners are the absolute owner of the property. The ownership and title is to be properly adjudicated before the competent forum and the persons claiming such title or ownership should get a declaration that they are the absolute owners. In the absence of any such valid document to show that the writ petitioners are the owners of the property, the relief as such sought for cannot be granted.

4.Further, such a prayer itself cannot be maintained under Article 226 of the Constitution of India, since the pleadings set out in the present writ petition requires adducing evidences and verification of documents. Such exercise can be done only by the competent civil court of law and not in the writ proceedings and this court cannot examine the witnesses and identify the genuinity of the documents, which are produced before this court and that too those documents are xerox copies.

5.Thus, it is left open to the writ petitioners to approach

the competent civil court of law for the purpose of redressing his remedies. In this view of the matter, no further adjudication is required as the writ petitioners have not established a cause for grant of relief as such sought for in this writ petition.

6. Accordingly, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

may

To

1. The District Collector
Thiruvallur District
Thiruvallur.

2. The Tahsildar
Madhavaram Taluk
Tiruvallur District.

3. The Village Administrative Officer
Redhills Surapattu Village
Kathirvedu Village
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+1cc to Mr.P.Rathanavel, Advocate SR.No.29473
+1cc to Government Pleader SR.No.29554

W.P.No.4211 of 2014

AD(CO)
GN(10/05/2018)