

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.12028 of 2018

Mr.Kirubandam

.... Petitioner

Vs.

1. The District Collector
Thiruvallur District
Thiruvallur.

2. The Tahsildar
Ambattur Taluk
Thasildar Office
Chennai - 600 053.

3. Baskaran

4. Prithiviraj

.... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 and 2 respondents to consider the petitioner's representation dated 30.04.2018 and to consequently direct the 1 and 2 respondents not to entitle without under due process of law to survey the land in survey No.14/17 and issue a patta totally 63 cents at Mannurpet Village, Ambattur Taluk, Chennai - 600 050.

For Petitioner : Mr.S.L.Venkatesan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
for RR1 & 2

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O R D E R

It is a condition precedent that the person who is approaching the Hon'ble High Court under Article 226 of the Constitution of India should establish infringement of any legal right or violation of any provisions of law by the authorities of the State.

2. In the present writ petition, the writ petitioner seeks direction to the respondents to consider the petitioner's representation dated 30.04.2018 not to issue patta in favour of the respondents 3 and 4.

3. If at all the property right of the writ petitioner is infringed, it is left open to the writ petitioner to approach the competent civil court of law for redressing his grievances. Contrarily, he cannot send a representation to the respondents 1 and 2 and file a writ petition seeking direction to consider the representation. Even the District Collector or the Tahsildar are incompetent to decide the issues relating to the title or ownership in respect of the properties belonging to the individuals. If there is any dispute relating to the ownership or possession, the parties concerned must approach the competent civil court of law. By issuing such a direction this court is of an opinion that the process of this court has been abused by the litigants, such an abuse of process can never be encouraged nor be tolerated.

4. Thus, even to issue a direction to consider the representation the petitioner has to establish a legal right. In the absence of any such legal right no writ can be issued for directing the authorities to consider the representation. The procedures as contemplated under the statutes are to be followed scrupulously for the purpose of redressing the grievances for grant of patta or not to grant patta.

5. This being the legal principles to be followed, this court is of an opinion that the writ petitioner has not established any right nor any infringement of right is placed before this court for consideration.

6. Thus, this writ petition is devoid of merits and stands dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

may
To

1. The District Collector
Thiruvallur District
Thiruvallur.

2. The Tahsildar
Ambattur Taluk, Thasildar Office
Chennai - 600 053.

+1cc to the Government Pleader, S.R.No.33513

W.P.No.12028 of 2018

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