

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.09.2018

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10387 of 2013
and
M.P.Nos.1 & 2 of 2013
and
M.P.No.1 of 2015

Mr.Y.Jaffer M

..Petitioner

Versus

1.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

2.The Tahsildar,
Alandur,
Kancheepuram District.

3.Mr.Ravichandran

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first and second respondents herein to survey the land measuring 45 cents in Old S.No.172/3B, then changed to S.No.172/12 and the present S.No.172/60 of Pammal Village and mark the boundaries as contemplated under the provisions of Tamil Nadu Land Survey and Boundaries Act.

For Petitioner : Mr.S.Ilamparithi

For Respondents : M/s.A.Shrijayanthy, Spl GP for R1 & R2
Mr.S.Sridhar for R3

ORDER

The relief sought for in this writ petition is for a direction to direct the 1st and 2nd respondents to survey the land measuring 45 cents in Old S.No.172/3B, then changed to S.No.172/12 and the present S.No.172/60 of Pammal Village and mark the boundaries as contemplated under the provisions of Tamil Nadu Land Survey and Boundaries Act.

2.The grievances of the writ petitioner is that he made an application to the revenue officials to measure the land with reference to the property belongs to the writ petitioner. It is

pertinent to note that the 3rd respondent is also claiming the portion of the land, which is now disputed by the writ petitioner.

3.This Court is of an opinion that the disputes in relation to the property between the private parties can never be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Even, in case of measuring the property belongs to the writ petitioner, with reference to the disputes now prevailing with the 3rd respondent, the petitioner has to approach the competent Civil Court of law by filing a Civil Suit and for measurement. An Interlocutory Application may be filed for appointment of Commissioner or otherwise. However, this Court cannot issue a direction to the Government authorities to measure the land, so as to settle the disputes between the writ petitioner and the 3rd respondent in respect of the immovable properties.

4.The learned Special Government Pleader now brought to the notice of this Court that a Civil Suit between the writ petitioner and the 3rd respondent is pending in O.S.No.269/2013 before the District Munsif Court, Alandur.

5.This being the factum of the case, it is left open to the respective parties to adjudicate the issues before the competent Civil Court of law in the Civil Suit.

6.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer,
Tambaram,
Kancheepuram District.

2.The Tahsildar,
Alandur,
Kancheepuram District.

+lcc to Mr.S.Imamparithi, Advocate, S.R.No.64463
+lcc to the Government Pleader, S.R.No. 64143

W.P.No.10387 of 2013

rrs 01/10/2018