

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19886 of 2014

and

M.P.No.1 of 2014

N.Kumaraguru

..Petitioner

Vs

1.The Tahsildar,
Coimbatore North,
Coimbatore - 18.

2.The Tahsildar,
Coimbatore South,
Coimbatore - 18.

3.K.Sarangapani

...Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 and 2 to produce the records relating to Patta No.HSD Patta No.133 and H.S.D.Patta No.25/74, Poosaripalayam, Thelugupalayam Village, Coimbatore before the 3rd Additional District Munsif of Coimbatore in O.S.No.680 of 1997.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.D.Raghu, GA for R1 & R2

Mr.N.Ramesh for R3

O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 and 2 to produce the records relating to Patta No.HSD Patta No.133 and H.S.D.Patta No.25/74, Poosaripalayam, Thelugupalayam Village, Coimbatore before the 3rd Additional District Munsif of Coimbatore in O.S.No.680 of 1997.

2.The grievance of the writ petitioner is that the respondents 1 and 2 have not produced the required documents for the purpose of establishing the case of the writ petitioner in O.S.No.680 of 1997. The writ petitioner filed the above suit for declaration of title and during the pendency of the

suit, the present writ petition is filed for a direction to the respondents 1 & 2, to produce the documents in relation to Patta. Such a direction sought for against the official respondents is not maintainable in view of the fact that the documents if any, to be produced before the Civil Court, then the petitioner has to take appropriate steps by filing an appropriate application under the provisions of the Civil Procedure Code.

3.This apart, the writ petitioner has stated that the petitioner had summoned the Tahsildars of South and North Coimbatore and both of them had been informed that the records relating to the patta issued to the writ petitioners are not in their custody. This apart, the 3rd Additional District Munsif has not directed the official respondents to produce the documents. Such a grievance raised by the writ petitioner cannot be adjudicated by way of a writ petition under Article 226 of the Constitution of India. In a Civil suit, the writ petitioner is entitled to file an appropriate Interlocutory Application(I.A) for redressing the grievances. Contrarily, a writ petition cannot be maintained for the purpose of directing the official respondents to produce certain documents to the Civil Court of Law. These all are the principles to be followed. Thus, the writ petition as such filed is absolutely misconceived and the relief sought for in this writ petition cannot be considered at all.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

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Sub Assistant Registrar

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To

1.The Tahsildar,
Coimbatore North,
Coimbatore - 18.

2.The Tahsildar,
Coimbatore South,
Coimbatore - 18.

+1cc to Mr.N.RAMESH Advocate, S.R.No. 30043
+1cc to the Government Pleader, S.R.No.30693

W.P.No.19886 of 2014

PVS (CO)
TR(11/05/2018)



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