

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.12514 of 2013

M.Vadivel

..Petitioner

Vs

1. The District Collector,
Villupuram.
2. Revenue Divisional Officer,
Tindivanam.
3. The Tahsildar (Revenue),
Gingee.
4. Gunasekaran
5. Inbarasan
6. Elumalai
7. Gopalan
8. Kamakshi

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents 1 to 3 to restore the lands which have been assigned in petitioner's father's favour and in his favour.

For Petitioner : Mr.V.Bhiman

For Respondents : Mr.N.Inbanathan, AGP, for RR1 to 3
No Appearance, for RR4 & 5
Ms.M.Sudha, for R6 to R8

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 6 to 8 and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 to 3 to restore the lands, which have been assigned in favour of the grand father of the petitioner.

3. The case of the petitioner is that he belongs to Adi Dravidar Community and the second respondent, by an order dated 30.09.1968 has assigned 2 acres in favour of one Irusan, 84 cents in favour of Mottaiyan, and 2.57 acres in favour of Sadaiyan, in total 5.41 acres.

4. The petitioner would further state that after the demise of his grand father Mottaiyan, he had gone to Bangalore for employment and in the meanwhile, the land had been encroached by some third parties. Hence, he submitted a representation to the first respondent on 27.09.2012. Since no favourable order was forthcoming, the present writ petition.

5. The learned Additional Government Pleader submitted that the petitioner's lands have been under the possession of the third parties and he has to approach the competent Civil Court for remedy, hence, the present writ petition is not maintainable.

6. Perusal of the records would reveal that the lands have been assigned in favour of the forefather of the petitioner. According to the petitioner, the lands have been encroached by some third parties, when he was away from his village. It is settled law that the writ petition cannot be filed seeking recovery of possession and the right of parties have to be decided only by the Civil Court.

7. In view of the above facts, the writ petition is dismissed with liberty to the petitioner to approach the competent Civil Court. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

pvs
To

1. The District Collector,
Villupuram.
2. Revenue Divisional Officer,
Tindivanam.
3. The Tahsildar (Revenue),
Gingee.

+ 1 cc to Mr. V. Bhiman, Advocate Sr.45892
+ 1 cc to Government Pleader Sr.46553

W.P.No.12514 of 2013

(CS-DR)
EU(20/07/2018)