

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16193 of 2014

A.Raju

... Petitioner

vs.

1. District Collector,
Salem District,
Salem.
2. The Tahsildar,
Gengavalli Taluk,
Salem District.
3. The Taluk Surveyor,
Gengavalli Taluk Office,
Salem District.
4. T.Saravanan.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the respondents 2 and 3 herein to consider the representation of the petitioner dated 02.04.2014 and 30.04.2014 and subsequently direct the 2nd and 3rd respondents to measure and demarcate the petitioner's property situated in survey.No.634/1, Goodamalai Village, Gangavalli Taluk, Salem District, and also to issue patta in favour of the petitioner.

For Petitioner : Mr. A. Tamizharasan

For Respondents: Mr.R.S.Selvam for R1 to R3

Government Advocate

Mr.T.Murugamanickam for R4.

O R D E R

The relief sought for in this writ petition is for direction to direct the respondents No.2 and 3 to consider the representation submitted by the writ petitioner on 02.04.2014 and 30.04.2014 and to direct the respondents to measure and demarcate the petitioner's property situated in survey.No.634/1, Goodamalai Village, Gangavalli Taluk, Salem District.

2. The grievances of the writ petitioner is that, the 4th respondent is interfering with the peaceful possession and enjoyment of the property belongs to the writ petitioner. The

petitioner states that, he is the owner of the property situated at Survey.No.634/1, Goodamalai Village, Gangavalli Taluk, Salem District, which is a vacant site. In this regard, the writ petitioner submitted a representation to the respondents 2 and 3 to measure the land. In view of the fact that, no action has been taken by the respondents 2 and 3 and hence the writ petitioner is constraint to move the present writ petition.

3. This Court is of an opinion that, relief as such sought for in this writ petition cannot be considered in view of the fact that, in the event of any dispute in relation to the property, the respective parties are bound to approach the Competent Civil Court of Law for adjudication. The parties claiming title, ownership or possession is bound to establish the same by producing the documents and by adducing evidences before the Competent Civil Court of Law by filing a suit in a manner known to law.

4. Contrarily, the writ petitioner cannot be entertained by the direction to consider the representation in order to survey the land belongs to the writ petitioner. All such reliefs can be sought for by way of filing necessary petition in a civil suit in respect of measurement under the provisions of civil procedure code seeking the relief.

5. Thus the writ petition cannot be granted. Even for issuing a direction to consider the representation, the petitioner has to establish his legal right in the present case and he has not established even a semblance of the legal right so as to consider the present writ petition.

6. It is brought to the notice of this Court that, already a civil suit has been instituted by the parties and an injunction has also been obtained. This being the factum, no further adjudication is required in respect of the grounds raised in the present writ petition.

7. Accordingly the writ petition stands dismissed. There shall be no order as to costs.

pkn

Sd/-

Assistant Registrar(CS IX)

// True Copy//

Sub Assistant Registrar

To

1. District Collector,
Salem District,
Salem.

2. The Tahsildar,
Gengavalli Taluk,
Salem District.

3. The Taluk Surveyor,
Gengavalli Taluk Office,
Salem District.

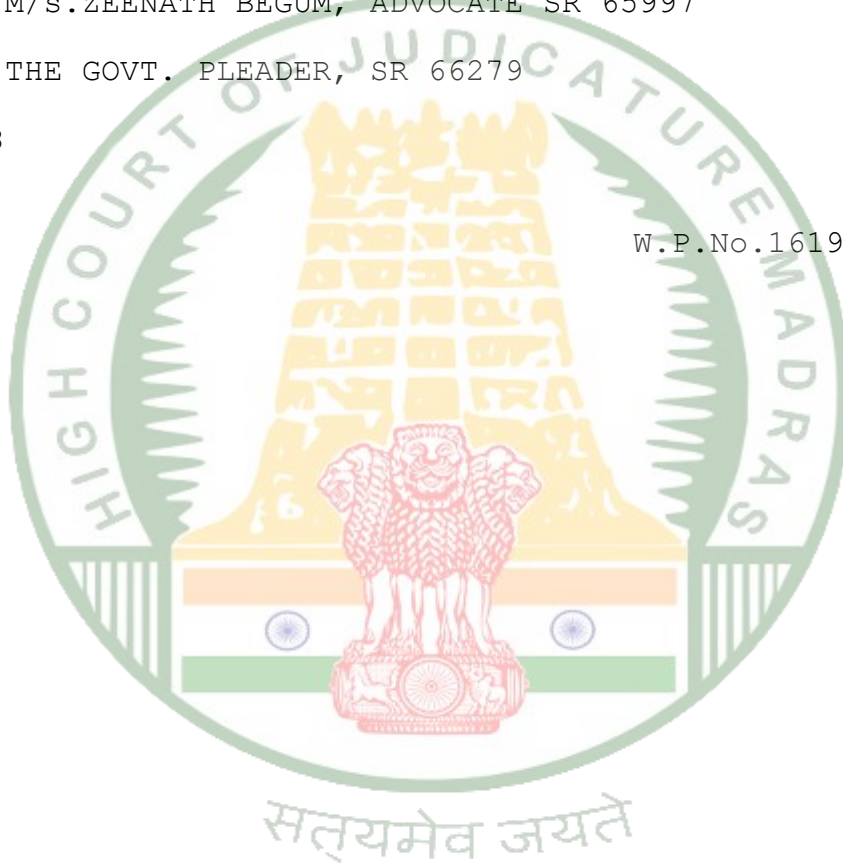
+ 1 CC TO A.THAMIZHARASAN, ADVOCATE SR 66602

+ 1 CC TO M/s.ZEENATH BEGUM, ADVOCATE SR 65997

+ 1 CC TO THE GOVT. PLEADER, SR 66279

KR/4/10/18

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