

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2999 of 2014

1.Mrs.Rajamanickam
2.Ms.Menaka Ammal
3.Mr.M.P.William Job
4.N.P.Dhasarathan

... Petitioners

..Vs..

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

2.The Revenue Divisional Officer,
Tambaram Revenue Division,
Tambaram,
Chennai-600 044.

3.The Thasildhar,
Sholinga Nallur Taluk,
Sholinga Nallur,
Chennai-600 119.

4.T.Veerapathiran

5.T.Venkatasubramanian

6.K.Chandrasekaran

7.K.C.Jayakumar

8.K.C.Jayabalab

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to dispose the petitioner's representation dated 18.3.2013 by completing the enquiry within the time limit.

For Petitioner : Ms.P.Archana for
Mr.R.Balachanderan

For Respondents-1to3 : Mr.R.S.Selvam,
Government Advocate.

For Respondent-4 : No Appearance

For Respondent-5 : Mr.R.Ravi

For Respondents-6to8 : Mr.G.N.Sridharan

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to dispose of the representation submitted by the writ petitioner on 18.3.2013 by completing the enquiry within the time limit stipulated.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner is the owner of the property in S.No.12/3 and 14/1 to an extent of 2 acres and 13 cents. The writ petitioner claims that the abovesaid property is the ancestral property and therefore, the writ petitioner acquired the title over the said property. On account of certain illegal interventions, the writ petitioner submitted an application to the respondents to conduct an enquiry and decide the matter in respect of the title and ownership.

3. The learned counsel, appearing on behalf of the fifth respondent, states that the writ petitioner is not the owner of the property and they are claiming the property without having any document. Thus, the claim for considering the representation cannot be issued in the present writ petition.

4. This Court is of an opinion that title, ownership or possession can never be adjudicated by the Revenue Officials for the purpose of declaring the ownership. The parties aggrieved have to approach the Competent Civil Court of Law to establish their title, ownership or possession by producing the original documents and by adducing evidences. Such complex facts and circumstances can never be adjudicated in a writ proceeding under Article 226 of the Constitution of India.

5. Even the respondents are also bound to establish their title or otherwise before the Competent Civil Court of Law and this Court cannot entertain any such claim. Even to issue a direction to consider the representation, the writ petitioner

has to establish a legal right. The title and ownership can never be adjudicated in a writ proceeding. Therefore, the present writ petition is devoid of merits and accordingly, the same stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Tambaram Revenue Division,
Tambaram,
Chennai-600 044.
- 3.The Thasildharn,
Sholinga Nallur Taluk,
Sholinga Nallur,
Chennai-600 119.

+1cc to Mr.R.Ravi, Advocate, S.R.No.75796

+1cc to the Government Pleader, S.R.No.75284

WP No.2999 of 2014

RK(CO)
GSP(26/11/2018)

सत्यमेव जयते

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