

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.19251 of 2018 and
W.M.P. Nos.22640 and 22641 of 2018

1.K.Subbarayalu @ Subbarayan
2.Chinna Kuppaiah @ Chinna Kuppan .. Petitioners

-vs-

1.The District Collector,
Collectorate, Thiruvallur District.

2.The Sub Collector/
Revenue Divisional Officer,
Tiruthani, Thiruvallur District.

3.The Tahsildar,
Tiruthani Taluk Office,
Tiruthani, Thiruvallur District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents not to interfere with petitioners' peaceful possession and enjoyment of the land and houses in Survey No.134/13 measuring an extent of 44 cents situated at No.51, Jakeermangalam Village, Tiruthani Taluk, Thiruvallur District, consequently direct the third respondent to conduct an enquiry and pass final order in petitioner's petition dated 11.06.2018 within time limit stipulated by this Court.

For Petitioners : Mr.R.Subburaj
For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents not to interfere with their peaceful possession and enjoyment of the land and houses in Survey No.134/13 measuring to an extent of 44 cents situated at No.51, Jakeermangalam Village, Tiruthani Taluk, Thiruvallur

District and to conduct an enquiry and pass final order on their petition dated 11.06.2018 within a time limit stipulated by this Court.

2.The case of the petitioners is that they are brothers and the land to an extent of 44 cents comprised in Survey No.134/3 in No.51, Jakeermangalam Village, Tiruthani Taluk, Thiruvallur District is absolutely belonged to their father Kuppaiah, which was purchased by him through a registered Sale Deed dated 29.01.1972 bearing Document No.1068/1972 on the file of the Sub Registrar Office, Tiruthani. After his death, they were in possession and enjoyment of the said property and therefore, they are paying necessary taxes for the same. While so, the Tahsildar, third respondent herein, for the simple reason that the land is a Gramma Natham, has been trying to disturb their possession and take away the land unlawfully and therefore, they given a representation to the respondents on 01.12.2017 with a request to initiate appropriate action against the concerned officials and also made an application with a request to issue patta in their favour. According to the petitioner, the respondents have not followed the G.O. Ms. No.210 Revenue Department dated 08.07.2011 envisaging to issue patta within 15 days.

3.But this Court is not able to entertain this writ petition for the reason that when it is the claim of the petitioners that they are in possession and enjoyment of the above said land, which is a grama natham on the basis of the registered sale deed dated 29.01.1972, they are duty bound to establish their case by approaching the Civil Court that they are in continuous possession for long time by producing relevant documents.

4.Therefore, the writ petition fails and the same is dismissed. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Collectorate,
Thiruvallur District.

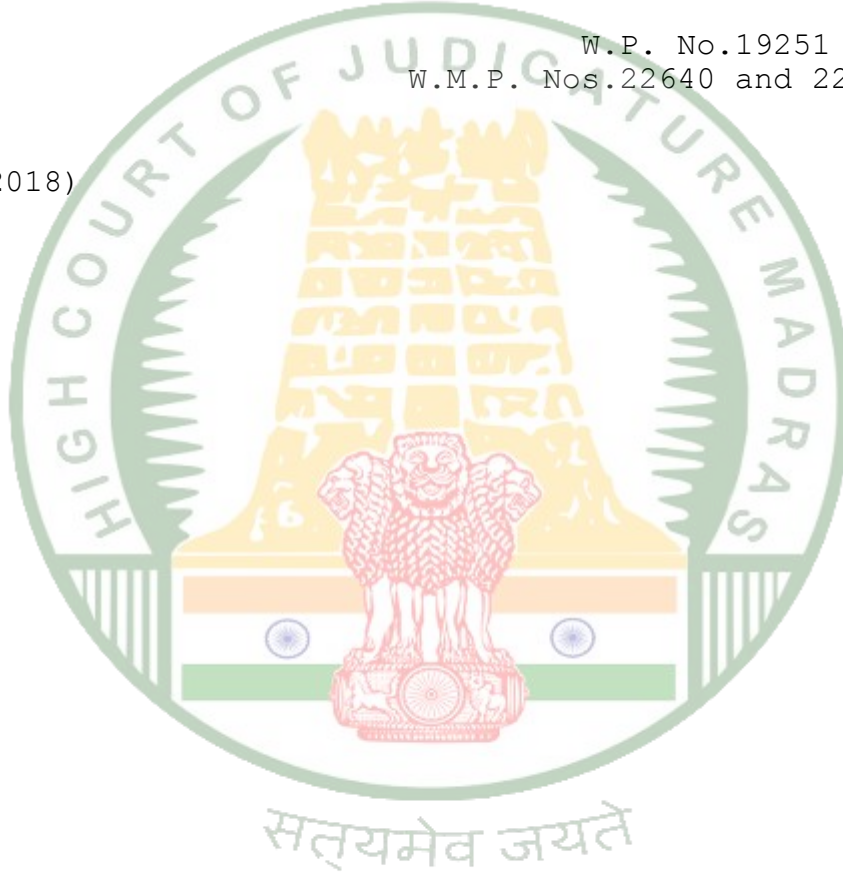
2.The Sub Collector/
Revenue Divisional Officer,
Tiruthani, Thiruvallur District.

3.The Tahsildar,
Tiruthani Taluk Office,
Tiruthani, Thiruvallur District.

+lcc to Mr.R.Subburaj, Advocate SR.No.51610
+lcc to Government Pleader SR.No.52454

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NMI (CO)
GN(24/08/2018)



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