

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.No.28238 of 2012

S.Siva

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by the Secretary to Government,
Land & Reforms, Secretariat,
St.George Fort, Chennai.
2. Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The Collector,
Tiruvannamalai District,
Pincode- 606 601.
4. The Revenue Divisional Officer (RDO),
Tiruvannamalai,
Pincode - 606 601.
5. The Tahsildar,
Tandarampattu SO,
Tiruvannamalai District 606 707.
6. Gurunathan (Deceased)
7. Alamelu
8. Kuppy (Deceased)
9. G.Velayutham
10. G.Sundar
11. G.Thirumalai
12. M.Kumari
13. Vasuki

14. C.Subburamani

15. C.Shanmugam

16. R.Saraswathi

... Respondents

R9 to R16 substituted as legal heirs in the place of the deceased respondents 6 & 8 as per order dated 24.07.2014 by SVNJ in M.P.No.1 of 2014 in W.P.No.28238 of 2012.

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 3 to 5 to recover the land from the respondents 6 to 8 and re-convey the same to the petitioner for which the petitioner has made a representation dated 15.06.2012 to the fourth respondent and marked copies to the respondent 3 & 5.

For Petitioners: Mr.R.Malaichamy

For Respondents: Mr.J.Pothiraj,
Spl.Govt.Pleader for R1 to R5
Mr.V.Janarthanam for R9 to R 16
Mr.G.Rajan for R7

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 3 to 5 to recover the land from the respondents 6 to 8 and re-convey the same to the petitioner for which the petitioner has made a representation dated 15.06.2012 to the fourth respondent and marked copies to the respondent 3 & 5.

2. According to the petitioner, his grand father was awarded a piece of land measuring about 5.19 acres holding T.K.No.1626/1972, S.No.184/1, 2 in Thandarampattu Taluk, Sirubakkam Village. The family members of the petitioner had been in enjoyment of the property. While so, the respondents 6 to 8 herein had obtained patta in their name in respect of the land allotted to the petitioner's family. The respondents 6 to 8 had acquired the land and they have no title over the same. In the said circumstances, it appears that the petitioner has given a representation to the respondents 3 to 5 to recover the land from the private respondents and reconvey the same to the petitioner.

3. Heard both sides.

4. It appears from the contention in the affidavit that there is a title dispute between the petitioner and the private respondents and such title dispute cannot be decided before this Court. Therefore, this Court is of the considered view that the present writ petition is not maintainable as it is framed. It is open to the petitioner to approach the appropriate legal forum to work out his remedy in the manner known to law, if he is so advised.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government,
Land & Reforms, Secretariat,
St.George Fort, Chennai.
2. Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The Collector,
Tiruvannamalai District,
Pincode- 606 601.
4. The Revenue Divisional Officer (RDO),
Tiruvannamalai,
Pincode - 606 601.

5. The Tahsildar,
Tandarampattu SO,
Tiruvannamalai District 606 707.

+1cc to M/S.R.Malaichamy, Advocate Sr.25259
+1cc to M/S.G.Rajan, Advocate sr.29533
+1cc to the Government Pleader Sr.29576

W.P.No.28238 of 2012

cnr[col]
srg 13/06/2018



WEB COPY