



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

**THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**

**W.A. [MD] .No.312 of 2018
and
C.M.P. (MD) No.1953 of 2018**

R.Srinivasan

.. Appellant/Petitioner

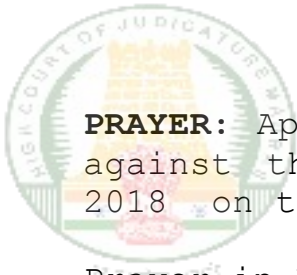
Vs.

1. The District Collector,
District Collector's Office,
Trichy -1, Trichy District.
2. The Commissioner of Police,
C.O.P. Office,
Mannarpuram,
Trichy - 20,
Trichy District.
3. The Tahsildar,
Trichy (West) Taluk,
Taluk Office (West),
Trichy, Trichy District.
4. The Village Administrative Officer,
Thamalavarubayam Village,
Trichy West Taluk,
Taluk (West) office,
Trichy, Trichy District.
5. K.K.Senthilkumar
The Inspector of Police,
Law and Order,
Woraiyur Police Station,
Woraiyur,
Trichy - 3, Trichy District.

6. S.Gunaseelan

<https://hcservices.ecourts.gov.in/hcservices/>

.. Respondents/ Respondents



PRAYER: Appeal is filed under Clause 15 of the Letter Patent Act, against the order, dated 12.02.2018 made in W.P.(MD)No.2789 of 2018 on the file of this Court.

Prayer in WP(MD). 2789/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to 3rd respondent communication made in Na.Ka.A1/10/2018 dated 27/01/2018, quash the same, and further direct the 1 and 2 respondents to take appropriate action as against the 3rd, 4th and 5th respondents herein for misuse of their official powers in favour of 6th respondent herein.

For Appellant : Mr.R.Sundar

For R-1 to R-4 : Mr.C.M.Mari Chellaiah Prabu
Additional Government Pleader

For R-5 : Mr.K.Baalasundharam

For R-6 : Mr.M.Govindan

JUDGEMENT

[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

This writ appeal is filed challenging the order of the writ Court passed in W.P.(MD)No.2789 of 2018, dated 12.02.2018 in dismissing the writ petition filed by the appellant herein.

2.The proceedings of the third respondent, dated 27.01.2018 was put to challenge before the writ Court with a further direction to the respondents 1 and 2 to take appropriate action as against the respondents 3 to 5 for misusing their official power in favour of the sixth respondent herein. The writ Court dismissed the writ petition on the reason that the communication impugned in the writ petition is only a report submitted by the fourth respondent/Village Administrative Officer, to the third respondent and if the Tahsildar passes any order adverse to the writ petitioner, it is always open to him to challenge the same in the manner known to law.

3.Heard the learned counsel appearing for the appellant and the learned counsels appearing for the respondents.

4.Open Considering the respective pleadings of the parties placed before the writ Court; the order passed in the writ



petition and the submissions made before us by the learned counsels appearing on either side, it is evident that a title dispute exists between the petitioner and the sixth respondent in respect of the subject matter property, as both are claiming title over the said property through certain documents.

5. When such being the factual position, needless to say that neither the writ Court nor the official respondents viz., the Revenue and Police officials have any role to decide the title dispute, as it is for the Civil Court to consider and decide the same, as and when the aggrieved party approaches and files a suit with appropriate relief. But at the same time, it is to be made clear that when such title dispute is pending between the parties, neither the revenue officials nor the police officials can probe into the matter and pass any order touching upon the title to the property. Therefore, by granting liberty to the appellant as well as the sixth respondent to get their title dispute resolved by the competent Civil Court, this writ appeal is disposed of, with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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Trichy - 20,
Trichy District.
3. The Tahsildar,
Trichy (West) Taluk,
Taluk Office (West),
Trichy, Trichy District.

+ 1 cc TO Mr.R.Sundar , Advocate in SR No. 70055

+ 1 cc TO The Special Government Pleader in SR No. 70116

rj2

AE/SB/SAR4/04.07.2018/3P/6C