

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.01.2018****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.1532 & 1533 of 2018**

Jawahar Venkatesh Pandiyan ... Petitioner in
W.P. (MD) No.1532 of 2018
Vijaya Meenal ... Petitioner in
W.P. (MD) No.1533 of 2018

-Vs-

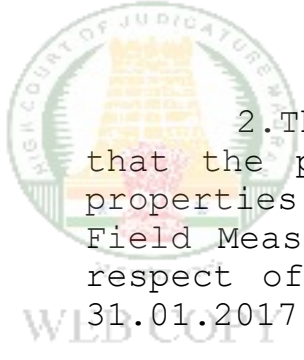
1. The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.
2. The Firka Surveyor,
Thiruchuli Taluk,
Virudhunagar District. ... Respondents in both W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to make entries in the Filed Measurement Book of Village and Taluk Revenue Records and regarding the petitioner's properties comprised in Survey No.540/18 (Patta No.1437) & Survey No.540/19 (Patta No.1434) respectively, situated at Adhityanenthal Village, Thiruchuli Taluk, Virudhunagar District in the light of the representations dated 31.01.2017.

For Petitioner : Mr.V.Perumal
(in both Writ Petitions)
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader.
(in both Writ Petitions)

COMMON ORDER

The relief sought for in the Writ Petitions is for a direction to direct the respondents to make entries in the Field Measurement Book of Village and Taluk Revenue Records and regarding the petitioners' properties comprised in Survey Nos.540/18 (Patta No.1437) & 540/19 (Patta No.1434), respectively situated at Adhityanenthal Village, Thiruchuli Taluk, Virudhunagar District in the light of the representations dated 31.01.2017.



2.The learned counsel for the petitioners made a submission that the petitioners are the absolute owners of the above said properties. However, the respondents have not made entries in the Field Measurement Book of Village and Taluk Revenue Records. In respect of the grievances, representations are also submitted on 31.01.2017 and the same are yet to be considered.

3.The learned Additional Government Pleader appearing on behalf of the respondents brought to the notice of this Court that even in the representations submitted by the writ petitioners on 31.01.2017, it is categorically admitted that the claim of the writ petitioners was considered and the same was rejected by the Tahsildar in his proceedings dated 08.02.2016 itself. However, there was an observation made that the required sub-division were not executed in respect of the property in question.

4.The learned Additional Government Pleader is of an opinion that even after rejection of the order, no action has been taken by the writ petitioners and even in the present writ petitions, the order of rejection had not been challenged. Therefore, the writ petitions are liable to be rejected.

5.Considering the arguments of the learned counsel appearing on behalf of the respective parties, this Court is of an opinion that in respect of the title, this Court cannot entertain any Writ Petition to establish ownership or title. The parties have to approach the appropriate competent civil forum. However, the learned counsel for the petitioners states that the Writ Petitions are filed in order to direct the respondents to make entries in the Field Measurement Book of Village and Taluk Revenue Records. Even for making such entries, the competent authorities have to ascertain the ownership and title of the parties concerned and enquiry is necessary in this regard. The authorities cannot make entries without verifying the title and ownership of the persons, who are claiming such entries. However, in the present case, the order of rejection was passed on 08.02.2016 and the same has not been challenged for the past two years. Thus, there is a doubt in respect of claim of the writ petitioners, as such prayed for in these Writ Petitions. Under these circumstances, this Court is not inclined to consider the Writ Petitions and the writ petitioners have not established any legal right, so as to issue any direction as such.

6.Accordingly, these Writ Petitions stand dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(W)



To

1. The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

2. The Firka Surveyor,
Thiruchuli Taluk,
Virudhunagar District.

+1cc to Mr.V.Perumal, Advocate Sr.No.44516

+1cc to The Spl Government Pleader Sr.No.44783

MYR/TA

VB/MR/SAR1/16.02.2018/3P/5C

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29.01.2018**