



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.18930 of 2018

WEB COPY

Sukkuru

... Petitioner

vs.

1.The District Revenue Officer,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer/
Sub-Collector,
Kumbakonam, Thanjavur District.

3.Balu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records of the first respondent relating to his impugned order in ThaPa.16/2013 Vu(2), dated 27.03.2018 and quash the same and directing the first and second respondents to mutate the name of all the legal-heirs of the petitioner's mother Chinnathal regarding property in Survey No.80/20 situated in 8, Kothangudi Village, Kumbakonam Taluk, Thanjavur District in revenue records.

For Petitioner : Mr.S.Rajaprabhu

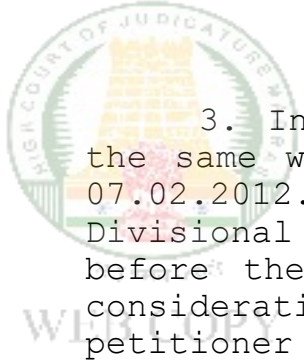
For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader
for R.1 and R.2

ORDER

The case of the petitioner is that the property in Survey No.80/20 is natham land by classification, which is situated at 8, Kothangudi Village, Kumbakonam Taluk, Thanjavur District. According to the petitioner, the property stood in the name of his mother and after the demise of his mother, the property devolved upon him as her legal heir. After the death of his mother, a representation was made to the second respondent to enter the legal heir's name. But in the revenue record, instead of the name of the legal heir of the petitioner's mother, the third respondent's name has been wrongly entered.

2. According to the petitioner, the third respondent had purchased a land in Survey No.80/3 in the same village and the third respondent has mutated the entry in the revenue records regarding the property belonging to the petitioner's mother.



3. In this regard, when a representation has been submitted, the same was rejected by the order of the second respondent dated 07.02.2012. As against the said order passed by the Revenue Divisional Officer/Sub Collector, a revision petition was preferred before the first respondent. However, the first respondent, on consideration of relevant materials and the rival claims of both the petitioner and the third respondent, rejected the revision petition filed by the petitioner on 27.03.2018. As against the said order passed by the first respondent, the petitioner is before this Court challenging the same.

4. From the materials and the facts disclosed in the present writ proceedings, it appears that there is a factual dispute between the petitioner and the third respondent in regard to the ownership of particular survey number. Therefore, this Court is of the considered view that the adjudication involves settlement of factual dispute between the petitioner and the third respondent, which cannot be done by this Court in its writ jurisdiction. As rightly held by the first respondent that in case the parties aggrieved, they can always approach the appropriate civil Court in order to establish their claim as against each other.

5. Therefore, this Court is of the considered view that the writ petition as it is not maintainable and the same is dismissed. No costs. However, it is open to the petitioner to approach the civil Court to enforce his right as against the private respondent.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1.The District Revenue Officer,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer/
Sub-Collector,
Kumbakonam, Thanjavur District.

+1CC to Mr.S.Rajaprabhu, Advocate, SR.No. 81713

+1CC to the Special Government Pleader SR.No.81656

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SSL

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