



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.10.2018

CORAM:
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P.(MD) No.20892 of 2018
and
W.M.P.(MD) No.18671 of 2018

C.Maniyan ... Petitioner
vs.

1. The District Revenue Officer
Tirunelveli, Tirunelveli District

2. The Revenue Divisional Officer
Tirunelveli, Tirunelveli District

3. The Tashildar
Taluk Office
Tirunelveli Taluk
Now Manoor Taluk
Tirunelveli District

4.Madasamy

5.Murugan

6.Puthiyavan

7.Subbaiyah

8.Natarajan

9.Iyyappan

10.Ramachandran ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order vide impugned No.:%.K.f.(fh2)19279/2017 (rP.k.16/2017) Dated:-06.08.2018 passed by the 1st respondents herein by confirming the impugned order passed by the 2nd respondent ep.K.m.3/851/2016 dated : 21.03.2017. and quash the same and consequently direct the respondent to issue modified Patta in the joint names of the petitioner.

O R D E R

What is impugned in this writ petition is the order passed by the first respondent, dated 06.08.2018, refusing to entertain the application filed by the petitioner herein for removal of the names of the private respondents in the Patta for the subject property.

2. According to the impugned order, the first respondent has stated that there is already a dispute pending between the parties in O.S.No.277 of 2016 and the said suit is pending. According to the first respondent, the suit is for settlement of title dispute as between the petitioner and the private respondents. In such view of the matter, the first respondent has refused to entertain the petitioner's application and advised the parties to await the outcome in the pending civil litigation between the parties.

3. Even otherwise, this Court is of the view that the dispute of this nature cannot be entertained by this Court under Article 226 of the Constitution of India, since it involves settlement of factual dispute, which cannot be done in writ jurisdiction.

4. In view of the above, this Court is of the considered view that the writ petition is not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

3.The Tashildar,
Taluk Office,
Tirunelveli Taluk,
Now Manoor Taluk,
Tirunelveli District.

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