



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18911 of 2018

and

W.M.P (MD) Nos.16744 & 16745 of 2018

A.Pootharaj

...Petitioner

Vs.

1.The Tasildhar
Madurai East Taluk,
Madurai District.

2.The Firka Surveyor,
Madurai East Taluk,
Madurai District.

3.K.Muthusamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in his proceedings in mj;Jkhy; kD vz;.78/2018 v!; dated 20.07.2018 and quash the same and consequently, directing the respondents to survey and fix the four boundaries of petitioner's property in Survey No.138/11C2 at Kodikulam 1st Bit, Y.Othakkadai Village, Madurai East Taluk, Madurai District total extent of 1459 sq.ft.

For Petitioner : Mr.D.Selvanayagam

For Respondents: Mr.C.M.Mari Chelliah Prabhu

Addl. Govt. Pleader (for R1 & R2)

No appearance (for R3)

ORDER

What is challenged in the writ petition is the order dated 20.07.2018 passed by the first respondent rejecting the request of the petitioner for measuring the land in view of the objection raised by the third respondent herein in regard to the title as between the parties.



2.This Court is of the considered view that adjudication of the present writ petition would involve settlement of title dispute as between the parties, which cannot be done in the writ jurisdiction. In case, the petitioner is aggrieved by the order passed by the first respondent, proper course of action open to the petitioner is to approach the civil Court and establish his title and thereafter, he can seek appropriate relief on such basis. Instead of doing so, the petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In this type of matter, the only course that is open to the aggrieved person is to approach the civil Court and have the grievances redressed and not to knock the doors of this Court by invoking the writ jurisdiction.

3.For the above reasons, this Court is of the view that the present writ petition is not maintainable and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1.The Tasildhar,
Madurai East Taluk,
Madurai District.

2.The Firka Surveyor,
Madurai East Taluk,
Madurai District.

+ 1 CC TO MR.D.SELVANAYAGAM, ADVOCATE IN SR NO.91163
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.91144

SKN

BU/SKN/SAR-IV :19.11.2018 : 2P/5C

W.P. (MD) No.18911 of 2018
and

W.M.P (MD) Nos.16744 & 16745 of 2018
23.10.2018