



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P. (MD)No.19480 of 2018

and

W.M.P. (MD) .Nos.17291 and 17292 of 2018

1.K.Sampathraja

2.K.Ilayaraja

.. Petitioners

Vs.

1.The District Revenue Officer,
District Revenue Office,
Ramanathapuram District.

2.T.Nagarajan

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent vide his proceedings in Pa.Mu. (P6)/7862/2016 dated 09.07.2018 and quash the same as illegal insofar as the petitioners is concerned.

For Petitioners : Mr.V.OM.Prakash

For Respondent No.1 : Mr.S.Angappan
Government Advocate

O R D E R

The case of the petitioners is as follows:

The petitioners are the brothers. Their father was one Karthigaisamy and he died on 21.11.2017. It is appears that the petitioners' grandfather and the second respondent had jointly purchased a land to an extent of 92 cents in Survey Nos.141/5B and 142/5 and 34 cents in Survey No.142/5 of Mandapam Village, Ramanathapuram Taluk and District, in total extent of 1 acre 26 cents, by virtue of sale deed in Document No.25 of 1971 dated 10.01.1971. Thereafter, it appears that in respect of a portion of the land, a partition was also effected between the petitioners' grandfather and the second respondent and the property which had been purchased jointly was divided between them.



2. In respect of the property held by their grandfather, which devolved on their father, a gift deed was executed in favour of the petitioners. It appears that the second respondent had given a complaint during the year 2015 before the Tahsildar, Ramanathapuram and on the basis of the complaint, the property was surveyed. It appears that the second respondent had also approached this Court in W.P.(MD).No.3668 of 2016 seeking a direction to survey his land. In pursuance of the direction of this Court, the property held by the second respondent was surveyed and a report was also filed.

3. According to the petitioner, on the basis of the survey conducted in pursuance of the direction of this Court, the first respondent issued orders of mutation in the year 2018 detrimental to the interest of the petitioners' title to the properties held by them. Therefore, they are before this Court challenging the order passed by the first respondent.

4. From the materials and the averments as disclosed in the affidavit, the dispute between the petitioner and the second respondent appears to be purely civil in nature and this Court cannot adjudicate the factual dispute as between the petitioner and the second respondent in its writ jurisdiction.

5. In case the petitioners are aggrieved by the order passed by the first respondent in regard to the survey of the lands, it is always open to them to approach the competent Civil Court in order to establish their right as against the second respondent and it is certainly not open to the petitioners to approach this Court by invoking its extra-ordinary jurisdiction under Article 226 of the Constitution of India.

6. In view of the above, this Court is of the view that the writ petition is not maintainable and the same is, therefore, dismissed. No Costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar(CS-I)



To
The District Revenue Officer,
District Revenue Office,
Ramanathapuram District.

+1 CC To MR.V.OM PRAKASH, Advocate SR. NO. 83823
+1 CC TO The Special Government Pleader SR.NO. 83685

W.P. (MD) No.19480 of 2018

PJL
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