



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.20253 of 2018

and

W.M.P.(MD) No.18018 of 2018

WEB COPY

Kandasamy

... Petitioner

vs.

1.The District Collector
Karur District, Karur

2.The District Revenue Officer
Karur, Karur District

3.The Revenue Divisional Officer
Karur, Karur District

4.The Tahsildar
Aravakurichi Taluk
Karur District

5.Sanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus by calling for the records pertaining to the impugned order of the 2nd respondent herein in his proceedings in Na.Ka.C1/19537/2013, dated 28.08.2018 confirming the order passed by the 3rd respondent in Na.Ka.A2/5887/2017, dated 11.12.2017 in sofar as the petitioner concerned, and quash the same and consequently direct the respondents 1 to 4 to restore the patta in the name of the petitioner pertaining to the petitioner's property in S.No.1691/2C3 to an extent of 0.0241 Hectors of Ryotwari Punja land situated at Vengamagoodalor Village, Aravakurichi Taluk, Karur Taluk, Karur District.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader for R1 to R4

O R D E R

The petitioner appears to have a dispute in regard to the ownership of a piece of land with the fifth respondent. At the instance of the fifth respondent, it appears that the revenue records have been mutated by the third respondent, against which the petitioner preferred an appeal before the second respondent, who has also confirmed that the petitioner was unable to establish his claim of ownership of the subject property. Challenging the order passed by the second respondent, the present writ petition has been filed.

2. From the materials and the pleadings as disclosed in the affidavit and the documents filed in support of the writ petition, it appears that it is a question of title dispute as between the petitioner and the other private respondents and such a dispute cannot be brought within the realm of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. In case the petitioner is aggrieved by the orders passed by the third respondent and the second respondent, it is always open to the petitioner to approach the competent Civil Court to establish his claim of ownership as against the fifth respondent or other rival claimants. It is certainly not open to the petitioner to knock the doors of this Court and invoke the writ jurisdiction of this Court for settlement of such a factual dispute.

3. In view of the above, the writ petition is found to be not maintainable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

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To:

1.The District Collector,
Karur District, Karur.

2.The District Revenue Officer,
Karur, Karur District.

3.The Revenue Divisional Officer,
Karur, Karur District.



4.The Tahsildar,
Aravakurichi Taluk,
Karur District.

+1cc to Mr.S.Gokulraj, Advocate in SR No.86083

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and
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NM/PM/SAR IV/27.10.18/3P/6C