

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.11298 of 2012, 14458, 14459, 14682 of 2014
and
M.P.Nos.1, 1 & 1 of 2014
in
W.P.Nos.14458, 14459, 14682 of 2014

K. Sheik Hameed Petitioner in W.P.11298/2012
Nirmala Petitioner in W.P.14458/2014
K.R.Rohini Petitioner in W.P.14459/2014
1. Santhosham
2. Selvarani
3. Selvakumar
4. Selvapriya Petitioners in W.P.14682/2014

/vs/

- 1.The Director of School Education,
Office of the Directorate of School Education,
College Road, Chennai 600 006.
2. District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Fort, Vellore.
3. Municipal Commissioner,
Vaniyambadi Municipality,
Vaniyambadi,
Vellore District. Respondents in all W.Ps.

PRAYER in W.P.11298 of 2012 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on the representation of the petitioner dated 10.03.2012 sent through his advocate in respect of his house site situated in Ward-E, Block 4, T.S.No.14/1A1 in Vaniyambadi measuring an extent of 1500 sq.ft.,.

PRAYER in W.P.14458 of 2014 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from interfering with the

petitioners peaceful possession of Plot No.16, in Ward-E, block 4, T.S.No.14/1A in Vaniyambadi.

PRAYER in W.P.14459 of 2014 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners peaceful possession of Plot No.6, in Ward-E, block 4, T.S.No.14/1A in Vaniyambadi.

PRAYER in W.P.14682 of 2014 : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners peaceful possession of Plot No.32, in Ward-E, block 4, T.S.No.14/1A in Vaniyambadi.

For Petitioner : Mr. V.V. Sairam
in all W.Ps.

For Respondents : Mr. A. Rajaperumal,
in all W.Ps. A.G.P., for R1 & R2

: Mrs. P. Rajalakshmi,
A.G.P., for R3

O R D E R

These writ petitions have been filed seeking a direction to the respondents to forbear the respondents from interfering with the petitioners' peaceful possession of the property.

2. Today, when the matters are taken up for hearing, the learned counsel appearing for the petitioner fairly submits that earlier, in respect of the very same issue, this court, by order dated 25.04.2018 in W.P.No.23697 of 2014, has held that title or possession issue can be decided only before the competent Civil Court of law and dismissed the writ petition. Paragraph 3 of the above order reads as follows :

3. Accordingly, the father of the writ petitioner along with the writ petitioners constructed a house in the said plot. The learned counsel for the petitioner further stated that the land was conveyed on them through a gift deed executed on 16.01.1969. It is not disputed by the respondents. Be that as it may, this Court is of an opinion that the gift deed executed and other documents relating to the title of a property ought to be adjudicated before the Competent Civil Court of law. Declaration of title or possession are subject matters to be adjudicated by way of a full fledged

trial by adducing evidence and by filing documents before the Competent Civil Court of law. Under Article 226 of the Constitution of India this Court cannot ascertain the title or otherwise of a person, or in respect of their possession. All these are the points to be adjudicated by way of trial. In this view of the matter, the relief as such sought for, in this writ petition forbearing the respondents from interfering with the peaceful possession of the writ petitioner cannot be granted "

3. In view of the said order, this Court cannot take a different view and accordingly, all the writ petitions are dismissed in same terms as in W.P.No.23697 of 2014 dated 25.04.2018. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrp

To

- 1.The Director of School Education,
Office of the Directorate of School Education,
College Road, Chennai 600 006.
2. District Elementary Educational Officer,
Office of the district Elementary Educational Officer,
Fort, Vellore.
3. Municipal Commissioner,
Vaniyambadi Municipality,
Vaniyambadi,
Vellore District.

+4ccs to Mr.V.V.Sairam , Advocate SR.No. 81430 to 81433

+1 cc to Government Pleader Sr.No. 81534

W.P.Nos.11298 of 2012, 14458,

14459, 14682 of 2014

A.SK(12/12/2019)