

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3890 of 2019

S.Syed Kareem

...Petitioner

Vs.

1. The District Collector,
District Collector Office,
Tiruvannamalai District-606604.
2. The Revenue Divisional Officer,
Tiruvannamalai Sub-Division,
Tiruvannamalai District-606604.
3. The Inspector General of Registration
No.100, Santhome High Road,
Mylapore,
Chennai-600028.
4. The District Registrar,
District Registrar Office,
No.11, Gandhi Nagar 5th Street,
Railway Station,
Tiruvannamalai-606601.
5. The Joint Registrar-I,
District Registrar Office,
No.11, Gandhi Nagar 5th Street,
Railway Station,
Tiruvannamalai-606601.

6. Dasthakeer

7. Kamila Praveen

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to pass an order on the representation made by the petitioner dated 03.12.2018 to allow him to live in the premises along with his wife.

For Petitioner :Mr.N.Kumar Rajan

For Respondents :Mr.I.Sathish

Additional Government Pleader for R1 & R2

Mr.M.Thamizharasan

Government Advocate for R3 to R5

O R D E R

Mr.I.Sathish, learned Additional Government Pleader takes notice for the first and second respondents and Mr.M.Thamizharasan, learned Government Advocate takes for the 3rd to 5th respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the first respondent to pass an order on his representation dated 03.12.2018, wherein and whereby, he sought for certain protections from the private respondents, in pursuant to the Gift Settlement Deed executed by him on 11.06.2007. According to the petitioner, the said settlement was not executed on his own will and on the other hand, it was obtained under force and duress.

3. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it finds that the dispute between the petitioner and the private respondents is purely a civil dispute which has to be agitated upon before and adjudicated by the Civil Court. Without doing so, filing petition to the District Collector and seeking interim protection cannot be the proper course and therefore, this Court is not inclined to entertain this writ petition, even though, it is filed for considering the representation.

4. Accordingly, this Writ Petition is disposed of, on the reason that the same is not maintainable as it is for the petitioner to workout his remedy before the Civil Court. No costs.

Sd/-

Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

sni

To

1. The District Collector,
District Collectorate Office,
Tiruvannamalai District-606604.
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Tiruvannamalai Sub-Division,
Tiruvannamalai District-606604.
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No.11, Gandhi Nagar 5th Street,
Railway Station,
Tiruvannamalai-606601.

+1cc to Mr.N.Kumarrajan, Advocate SR.No.11630

+2ccs to Government Pleader SR.No.12292,12294

W.P.No.3890 of 2019

GMV (28/02/2019)

सत्यमेव जयते

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