

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.15106 of 2020
and W.M.P.Nos.18837 & 18838 of 2020

M.Lenin Kumar

Petitioner

Versus

1.The Additional Chief Secretary /
Commissioner of Land Administration,
Chepauk, Chennai 600 005.

2.The District Collector,
Salem District,
Salem.

3.The Commissioner of Police
Salem City,
Salem 636 002.

4.The Deputy Commissioner of Police,
Law and Order, Salem City, Salem,
Salem 636 002.

5.The Assistant Commissioner of Police,
Traffic Investigation,
Sevvapettai, Salem 636 002.

Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari calling for the records relating to the order of the First respondent dated 30.12.2019 in R.Dis. No. K4/ 14659/ 2018 confirming the order of the second respondent dated 06.10.2017 made in ROC No. 1948/ 2017/ E1 and quash the same in so far as the petitioner is concerned.

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For Petitioner : Mr.Mr.Kuberan
for M/s.Rank Associates

For Respondents: Mr.S.R.Rajagopal, AAG
assisted by Mr.M.Elumalai
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner challenges the impugned proceedings of the 1st respondent dated 30.10.2019, which pertains to the land in Ward AD, Block No.10. T.S.No.16/1 admeasuring an extent of 30,040 sq.ft., 0.70 acres in Periyeri Village, Salem Taluk, Salem District.

2. Heard the submission of the learned counsel appearing for the petitioner.

3. The petitioner as well as Tvl.A.M.Raju and S.Prakash, on an earlier occasion had filed W.P.Nos.26856 to 26858 of 2017, challenging the impugned proceedings of the Collectorate of Salem District dated 06.10.2017 in ROC.No.9348/2017/E1, with a consequential direction, directing the respondents from interfering with the peaceful possession and enjoyment of the property.

4. This Court had taken note of the fact that a Division Bench of this Court in the order dated 27.03.2017 in W.P.No.3598 of 2017 filed by one Mr.B.V.Nagaraj, after considering the materials placed, found that there is a title dispute in respect of the land admeasuring an extent of 30 sq.ft in S.F.No.16 and observed that title dispute in respect of the said property in question cannot be decided in this petition.

5. The learned counsel appearing for the petitioner would submit that in terms of the directions issued in the order dated 27.03.2017 in W.P.No.3598 of 2017 (B.V.Nagaraj Vs. State of Tamil Nadu rep. by the Principal Secretary, Housing and Urban Development Department, Chennai-600 009 and others), enquiry was conducted and the petitioner had lost before the said Forums and he would further state that in the light of the documents produced before the Revenue authorities, which are all improbable and of sterling quality, the said orders are wholly unsustainable and prays for interference.

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6. This Court after considering the arguments advanced on behalf of the petitioner and on going through the materials, especially the impugned order dated 30.12.2019, is of the considered view that the remedy open to the petitioner, if any, subject to legal advise, is to avail the Common Law remedy. It is also a well settled position of law that disputes revolve around adjudication on disputed question of facts, cannot be adjudicated by this Court in exercise of it's jurisdiction under Article 226 of the Constitution of India.

7. However, if the petitioner is so advised, and if it is available to him under law, he is always at liberty to avail the Common Law remedy before the competent Forum. It is needless to point out that the decision of the Civil Court, if any, would be based upon the pleadings and quality of evidence being let in by the petitioner.

8. In the result, the Writ Petition is dismissed, subject to above observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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Chepauk, Chennai 600 005.

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+1cc to M/s.Rank Associates, Advocate SR.36247
+1cc to the Government Pleader SR.36085

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AJS (CO)
CB (14/12/2020)



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