

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16521/2020 & WMP.Nos.20495 & 20496/2020

A.M.Raju

.. Petitioner

Versus

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

2.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 636 002.

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

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records relating to the order of the 1st respondent dated 30.12.2019 in R.Dis.No.K4/14659/2018-1, confirming the order of the 2nd respondent dated 06.10.2017 made in ROC.No.1948/2017/E1 and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.Subhang Nair for
M/s.Rank Associates
For Respondents : Mr.M.Elumalai
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the respondents.
- (3) The petitioner claims to be the absolute owner of the land admeasuring to an extent of 10 cents comprised in TS.No.16/1, Ward "AD", Block No.10, Periyeri Village, Salem Taluk and District, which he claims to have purchased through a Sale Deed dated 28.03.2011 executed in pursuant to the decree passed in OS.No.699 of 2009 on the file of the Court of Principal District Munsif at Salem. It is further stated by the petitioner that the land was originally owned by one

B.V.Nagarajan, who acquired the property by way of a Will and an Agreement of Sale was entered into between the petitioner and B.V.Nagarajan and since he failed to adhere to the terms of the Agreement, the above said suit for specific performance was filed which got decreed, pursuant to which, the Sale Deed was also executed by the Court and that apart, the petitioner also got into possession by levying execution in EP.No.290/2010 and he was also issued with patta. The petitioner became aware of the fact that WP.No.3598/2017 was filed for demolition of the alleged unauthorized structure, by the very same B.V.Nagarajan on account of oblique motive and in pursuant to the order dated 27.03.2017, the 2nd respondent was called upon to examine the title deeds and the 2nd respondent, vide proceedings dated 06.10.2017, has held against the petitioner herein. The appeal preferred by the petitioner before the 1st respondent, also came to be dismissed vide impugned order dated 30.12.2019 and challenging the legality of the same, the present writ petition is filed.

- (4) The learned counsel for the petitioner fairly brought to the knowledge of this Court that the other two parties who are similarly placed, viz., Tvl.S.Prakash and M.Lenin Kumar, challenging the very same

impugned order of the 1st respondent dated 30.12.2019 filed two writ petitions in WP.Nos.15106/2020 and 16474/2020 which came to be dismissed on 05.11.2020 and 23.11.2020 respectively.

(5) ***Per contra***, Mr.M.Elumalai, learned Additional Government Pleader appearing for the official respondents would submit that since the 1st respondent, on an in-depth analysis of the factual aspects as well as the relevant records, has rightly reached the conclusion and this Court, may not interfere with the same in the exercise of its jurisdiction under Article 226 of the Constitution of India.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) As rightly pointed out by the learned Additional Government Pleader appearing for the official respondents that the 2nd respondent, in exercise of its original jurisdiction and the 1st respondent, in exercise of its appellate jurisdiction, on an in-depth analysis, had reached the conclusion to reject the claim of the petitioner. The points now urged by the learned counsel for the petitioner, in the considered opinion of this Court, would revolve round the adjudication of the disputed questions of fact and this Court, in exercise of power of judicial review, cannot go into the same. However, if the petitioner is so

advised and if it is available to him under law, he is always at liberty to invoke the Common Law remedy that may be available to him before the competent Forum.

(8)In the result, the writ petition stands dismissed at the admission stage itself. No costs. Consequently, the connected miscellaneous petitions are closed.

[MSNJ] [RHJ]
27.11.2020

AP

Internet:Yes

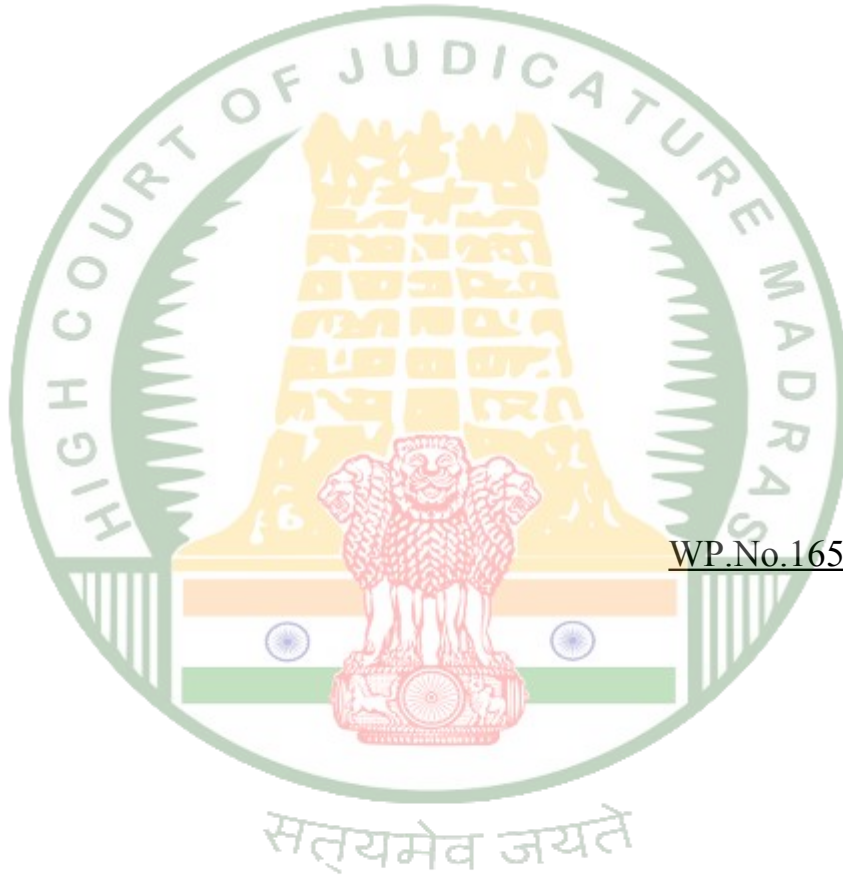
To

- 1.The Additional Chief Secretary/Commissioner of Land Administration, Chepauk, Chennai 600 005.
- 2.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 636 002.
- 5.The Assistant Commissioner of Police Traffic Investigation, Sevvapettai, Salem 636 002.

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M.SATHYANARAYANAN, J.,
AND
R.HEMALATHA, J.,

AP



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