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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.11966 OF 2016

K.Arulkumar

..Petitioner

VS

1. The District Collector,
Thiruvarur District,
Thiruvarur.
2. The Superintendent of Police,
Thiruvarur District,
Thiruvarur,
3. The Tahsildar,
Thiruthuraipoondi Taluk,
Thiruthuraipoondi,
Thiruvarur District.
4. The Sub-Registrar,
Thiruthuraipoondi Taluk,
Thiruvarur District.
5. The Head Surveyor,
Thiruthuraipoondi Taluk,
Thiruvarur District.
6. S.Pangajavalli
7. G.K.Elangovan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st to 4th respondents to consider the petitioner's



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representation dated 14.03.2016 to forbear 5th, 6th and 7th respondents from surveying petitioner's property.

For Petitioner : Mr.Muthukumarappa

For Respondents : Mr.V.Veluchamy
Government Advocate
for R1 to R5

Mr.K.Balasubramaniam
for R6 & R7

ORDER

The relief sought for in the present writ petition is to direct the 1 to 4 respondents to consider the petitioner's representation dated 14.03.2016 to forbear 5th, 6th and 7th respondents from surveying petitioner's property.

2. The representation submitted by the writ petitioner on 14.03.2016 reveals that the petitioner is the owner of the property as described in his representation. However, the respondents 6 and 7 are threatening the petitioner as their land situate adjacent to the land belongs to the petitioner. The respondents 6 and 7 have approached the 5th respondent for the purpose of surveying the land. The petitioner sent a representation to various authorities including the District Collector and District Superintendent of Police. Such a general representation submitted by the petitioner cannot be considered in this writ petition as the issue raised is in civil nature. If at all, the petitioner is having any title or the issue with reference to the property, he has to approach the Competent Civil Court of Law for appropriate relief.

3. Contrarily, the High Court cannot entertain a writ petition and by merely directing the authorities to consider the representation, the Civil disputes cannot be resolved. An adjudication is necessary for the purpose of ascertaining the Civil Rights of the parties.

4. This being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of



adjudication of the issues. With reference to the allegation of threat, if any such allegation exist as of now, the petitioner has to approach the jurisdictional Police Station and by submitting general representations to number of Authorities, he cannot file a writ petition and for entertaining a writ petition, the petitioner has to establish a definite right and therefore, the petitioner is at liberty to approach the Competent Forum.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

pns

To

1. The District Collector,
Thiruvarur District,
Thiruvarur.
2. The Superintendent of Police,
Thiruvarur District,
Thiruvarur.
3. The Tahsildar,
Thiruthuraipoondi Taluk,
Thiruthuraipoondi,
Thiruvarur District.
4. The Sub-Registrar,
Thiruthuraipoondi Taluk,
Thiruvarur District.
5. The Head Surveyor,
Thiruthuraipoondi Taluk,
Thiruvarur District.

W.P.No.11966 of 2016

GSM(CO)
RLP(05/10/2021)