



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.06.2021

Coram

The Honourable Mr. Justice V.PARTHIBAN

W.P.No.11160 of 2021

R.Tamilarasi

...Petitioner

Vs.

1. Tahsildar,
Anthiyur Taluk,
Erode District.

2. Syed Mustafa
3. Ragibu Nisha
4. B.Govindharaj
5. G.Potti Ammal
6.R.Sampoornam
7.S.Santhira

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to consider the representation dated 17.12.2020 for cancellation of patta in respect of Grama Natham Survey No.646/1 part of an extent of 01050 sq.mt. Pa.Sa.No.518/2 new No.662/7 of an extent of 00135 sq.mt. Ammapettai "A" Anthiyur Taluk.

For Petitioner .. Mr.J.Franklin

For 1st Respondent .. Mr.Sajeevi Kumar
Special Government Pleader

ORDER

Although the petitioner appears to seek innocuous prayer of disposal of representation dated 17.12.2020 addressed to the official respondent, yet this Court finds that the relief as sought for in the writ petition, cannot be granted for the following reasons.



The petitioner appears to be having a property dispute vis-a-vis the private respondent herein and the affidavit contains plethora of facts in support of the petitioner's claim as against the private respondent. This Court, certainly cannot give a blanket direction sought for by the petitioner on the basis of the disputed questions of fact and from the averments, it could be seen that the dispute as between the petitioner and the private respondent is entirely a private dispute, which cannot be brought within the realm of public law remedy under Article 226 of the Constitution of India. The adjudication of the present dispute would certainly involve investigation of facts and such an adjudication cannot be undertaken in the exercise of Writ jurisdiction of this Court. Hence, the proper course available for the petitioner is to approach the civil court and not before this Court in the writ jurisdiction. Therefore, the Writ Petition stands dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

The Tahsildar,
Anthiyur Taluk,
Erode District.

+lcc to Government Pleader, Sr.27483.

W.P.No.11160 of 2021

NSK 02/08/2021