



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.34527 of 2012

and

M.P.No.1 of 2012

1.V. Palani

2.V. Muniyan

3.V. Gurunathan

4.V. Maran

5.V. Veeran

... Petitioners

Vs.

1.The District Collector,
Erode District,
At Erode.

2.The Registrar of Cooperative Societies,
Kilpauk,
Chennai - 600 010.

3.The Joint Registrar of Cooperative Societies,
Karungalpalayam,
Erode District.

4.The Deputy Registrar of Cooperative Societies,
Gopichettipalayam,
Erode District.

5.The Special Officer,
Anthiyur Colonisation Cooperative Societies K.917,
31 Saththi Road, Thavuttupalayam,
Anthiyur, Erode District.

6. Arjunan

7. P. Murugan

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent District Collector to consider the petitioners representation dated 07.02.2012 with further direction to the respondents 2 to 5 handover the property in Survey No.1191 to an extent of 3.66 acres of land and in Survey No.1173/1 to an extent of 4.69 acres by totally 8.35 acres at Anthiyur Colony, Chinnathambipalayam Post, Anthiyur Via, Bhavani Taluk, Erode District-638 501 to the petitioners.

For Petitioners : Mr.B.Sundarapandiyan

For R1 to R4 : Mr.K.M.D.Muhilan
Government Advocate

For R5 : Mr.S.Umapathy

For R6 and R7 : Mr.P.Chandrasekaran

ORDER

(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the first respondent/District Collector to consider the petitioners' representation dated 07.02.2012 with a further direction to the respondents 2 to 5 to handover the property in Survey No.1191 to an extent of 3.66 Acres of land and in Survey No.1173/1 to an extent of 4.69 Acres, totally 8.35 Acrers at Anthiyur Colony, Chinnathambipalaym Post, Anthiyur Via, Bhavani Taluk, Erode District- 638 501, to the petitioners.

2.Handing over of immovable property requires adjudication of civil rights. Such an adjudication cannot be undertaken by the High Court in a writ proceedings under Article 226 of the Constitution of India. Even for issuing a direction to consider the representation, the petitioners have to establish a right. In the present case, the petitioners seek a direction to handover the immovable property. Such issues are to be resolved by approaching the competent Court of Law based on the documents and evidences.

3.In this view of the matter, the petitioners are at liberty to approach the competent forum or Court of Law for the purpose of crystallizing their civil rights involved in respect of the issues raised.

4. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



nti/mkn

To

1.The District Collector,
Erode District,
At Erode.

2.The Registrar of Cooperative Societies,
Kilpauk,
Chennai - 600 010.

3.The Joint Registrar of Cooperative Societies,
Karungalpalayam,
Erode District.

4.The Deputy Registrar of Cooperative Societies,
Gopichettipalayam,
Erode District.

5.The Special Officer,
Anthiyur Colonisation Cooperative Societies K.917,
31 Saththi Road, Thavuttupalayam,
Anthiyur, Erode District.

W.P.No.34527 of 2012

PCH(CO)
SB(30/11/2021)