



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.09.2021

CORAM:

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

WP No.38833 of 2015

Renuka

...Petitioner

Vs

1 The District Collector,
Singaravelan Maaligai, Chennai.

2 The Commissioner of Police,
Vepery, Chennai.

3 The Assistant Commissioner of Police,
Guindy Circle, Chennai-32.

4 The Tahsildar
Mambalam-Guindy Taluk,
Saidapet, Chennai-15.

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 3.10.2015 and pass suitable orders in accordance with law.

For Petitioner : Mr.V.R.Anna Gandhi

For Respondents : Mr.V.Veluchamy
Government Advocate

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation dated 3.10.2015 and pass suitable orders in accordance with law.

2. The petitioner states that the property comprised in S.R.No.92, 93 of Srinagar Colony, Saidapet, Chennai, within the Registration District of Chennai measuring 32.26 acres of land originally belongs to her great grand father viz., Mr.Kulandai Pillai. The said land comprised in Old Paimash No.7 to 15 is situated at Venkatapuram Village. The corresponding patta for the ancestral property was comprised in Patta No.10.



3. The petitioner further states that her great grand father had purchased the said land through an auction conducted by the Government vide Deed No.493/1889 and the land had been under his possession and enjoyment and her great grandfather along with his son had mortgaged the said lands under a registered mortgage deed dated 05.12.1908 vide document No.2806/1908 and her great grandfather had been exercising all the rights as absolute owner in respect of the property. The petitioner has narrated the facts by stating that she inherited the property from her great grandfather. However, the relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated 03.10.2015.

4. Perusal of the said representation addressed to the Secretary to Government, Revenue Department, Secretariat, Chennai and to the District Collector, Chennai District, would reveal that the property was encroached by some other persons and the petitioner had made a request to retrieve the property and hand over to her.

5. The dispute raised by the petitioner is of civil nature. The petitioner claims title over the property. Thus, she is at liberty to approach the competent civil Court of law for the purpose of establishing her rights in respect of the property in dispute. Merely directing the respondents to dispose of the representation, the petitioner cannot get the title right in respect of the subject property. Further, the respondents are incompetent to decide such civil disputes between the parties in respect of the title of an immovable property.

6. This being the facts and circumstances, the petitioner is at liberty to approach the competent civil Court of law for establishing her civil right with respect of the subject property.

7. With these observations, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector,
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Chennai.
- 2 The Commissioner of Police,
Vepery, Chennai.
- 3 The Assistant Commissioner of Police,
Guindy Circle,
Chennai-32,
- 4 The Tahsildar
Mambalam-Guindy Taluk,
Saidapet,
Chennai-15.

+2cc to Mr.R.Rajaramani, Advocate, Sr.47700

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NSK 22/10/2021