

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.11186 of 2021
and W.M.P.Nos.11835, 11837 & 11838 of 2021

Dhanabhakiyam

...Petitioner

Vs.

- 1.The District Collector,
Collector's Office,
Coimbatore.
- 2.The District Additional Executive Magistrate
cum District Revenue Officer,
Collector's Office,
Coimbatore.
- 3.The Sub Collector,
Pollachi, Coimbatore District.
- 4.The Tahsildar,
Taluk Office, Pollachi,
Coimbatore District.
- 5.The Village Administrative Officer,
Kullakapalayam, Pollachi Taluk,
Coimbatore District.
- 6.The Sub Registrar,
Pollachi, Coimbatore District.

7.Nirmala

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the impugned order passed by him dated 19.11.2019 passed in Ne.Mu.25182/2018/E1 and the order of the 2nd and 3rd respondents in Pro.Ni.M.M.1817/2018/B1 dated .11.2018 signed on 14.11.2018 pertaining to Sl.No.26/2, 27, 28, Kullakapalayam village and quash the same and direct the respondents 1 to 5 to maintain the revenue records as it existed prior to the impugned order of the third respondent i.e. in the name of the petitioner.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.Sajeev Kumar
Special Government Pleader

ORDER
(Heard through Video Conferencing)

The petitioner appears to be aggrieved by the Order of the District Revenue Officer cancelling the patta pertaining to the property which according to the petitioner belongs to him.

2. In the affidavit filed in support of the writ petition, a number of facts have been stated as to the title and ownership of the property as against the claim of the private respondent/7th respondent herein. In such scenario, adjudication of the petitioner dispute herein, would involve investigation of facts, which adjudication cannot be undertaken by this Court in its exercise of jurisdiction under Article 226 of the Constitution of India.

3. This Court is of the considered view that the proper remedy for the petitioner is to approach the Civil Court and to establish her right vis-a-vis the right of the private respondent/7th respondent and it is certainly not open to the petitioner to invoke the extraordinary jurisdiction of this Court in the matter where there is a title dispute. Even otherwise, this Court will be unable to decide the lis between the parties on the basis of the affidavit alone.

4. In such circumstances, this Court is not inclined to entertain the Writ Petition and therefore, the same stands dismissed as not maintainable. No costs. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

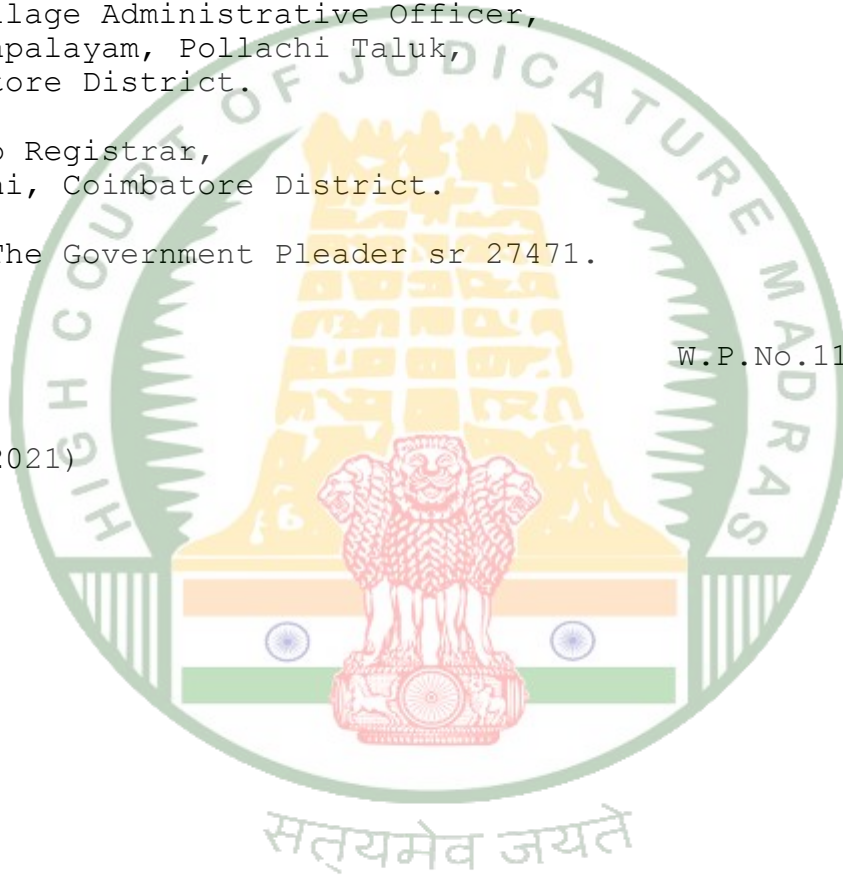
mrm/sni
To

1.The District Collector,
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Coimbatore.

2. The District Additional Executive Magistrate
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 3. The Sub Collector,
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 5. The Village Administrative Officer,
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Coimbatore District.
 6. The Sub Registrar,
Pollachi, Coimbatore District.
- +1 CC to The Government Pleader sr 27471.

W.P.No.11186 of 2021

CP(CO)
SP(13/07/2021)



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