



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD) No.6654 of 2021

M.Saminathan

.. Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the RDO,
Kumbakonam,
Thanjavur District.

2.The Thasildar -Natham Vari Thittam,
Office of the Tahsildar,
Kumbakonam Municipality Complex,
Moorthy Road, Kumbakonam
Thanjavur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 23.01.2019, pending on the file of the first respondent and dispose of, within a time frame as stipulated by this Court.

For Petitioner : Mr.J.Bebin Jose

For Respondents : Mr.B.Bhagavathy

Government Advocate

O R D E R

The petitioner herein appears to have a civil dispute with his brother one Kannappan, in regard to the properties being partitioned between them. In the affidavit, plethora facts have been mentioned as to the dispute between the petitioner and his brother and number of transactions have been made and also suit filed by his brother in O.S.No.196 of 2018 before Kumbakonam Court.

2.Although the petitioner has come up with all kinds of facts in relation to the properties and his brother's interference in his possession, this Court is unable to make out any case as to address the so called grievance expressed by the petitioner in this Writ Petition. However, from the entirety of the averments in the affidavit, the proper course available to the petitioner is to approach the civil Court for settlement of his dispute as against his brother and not before this Court in writ jurisdiction.



3.This Court is also unable to comprehend as to the basis of petitioner seeking direction to the first respondent, with jumbled and disjointed facts as contained in the affidavit. Even otherwise, the writ petition can be dismissed on the sole ground that he has not added his brother as a party in this writ petition. Strangely, the entire affidavit is an expression of the petitioner's grievance against his brother one Kannappan, who is said to have indulged in fraudulent acts relating to the property in issue, but is not made a party in this Writ Petition.

4.When the matter is taken up for admission, the counsel appears to have no clue at all and remained stoically mute, when this Court confronted him with the above shortcomings. In any event, the fact of the matter is that the grievance of the petitioner requires adjudication of factual dispute, which cannot be undertaken by this Court in writ jurisdiction.

5.The writ petition is therefore dismissed for non-joinder of necessary parties and also as being not maintainable. No costs.

SD

ASSISTANT REGISTRAR (P AND A)

TRUE COPY

/5/2021

SUB ASSISTANT REGISTRAR (CS)

vrn

To

1.The Revenue Divisional Officer,
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Kumbakonam,
Thanjavur District.

2.The Thasildar -Natham Vari Thittam,
Office of the Tahsildar,
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Thanjavur District.

1CC TO MR. J. BEPIN JOSE, ADVOCATE SR 13951
1CC TO THE SPL GOVT PLEADER SR 13587

TR

3/5/2021

2P/5C

W.P (MD) No. 6654 of 2021

24.03.2021