



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.18397 of 2020
and
W.M.P. (MD)No.15391 of 2020

Jeyasri

: Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar,

2.The Sub Collector / Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Executive Engineer / Managing Director,
Tamil Nadu Housing Board,
Madurai Division, Elllis Nagar,
Madurai - 625 016.

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to forbear the third respondent from making any transfer of lands as house plots to anybody else, beyond the scope of the extent, transferred to the 3rd respondent by the registered transfer deed dated 06.06.1996, executed by the Tamil Nadu Government with respect to the S.Nos.1526/1, 1526/3A and 1526/3B, in Injar revenue Village, in Sivakasi Taluk in Virudhunagar district.

For Petitioner

:Mr.F.X.Eugene

For R1 and R2

:Mr.S.Angappan

Government Advocate

For R3

:Mr.Mahaboob Aathiff

ORDER

Heard the learned Counsel on either side.

2.The Writ Petitioner claims title over the property in question from her vendor, by name, Iyyasamy Thevar. The petitioner alleges that the third respondent is taking steps to include parts of her property, while making allotments.



3.I am afraid that this issue cannot be adjudicated by the Writ Court, as rightly contended by the learned Counsel for the Housing Board. The matter has to be necessarily resolved only by the jurisdictional Civil Court. The issue is essentially one of claiming title and possession. If the petitioner has a greater title than the Board, the same has to be established only in the civil proceedings. Relegating the petitioner to move the jurisdictional Civil Court, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar,

2.The Sub Collector / Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Executive Engineer / Managing Director,
Tamil Nadu Housing Board,
Madurai Division, Elllis Nagar,
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+1 CC to Mr.F.X.EUGENE, Advocate (SR-1904[F] dated 22/01/2021)

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VB (08.02.2021) 2P 5C