



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.13065 of 2022

G.Chinnaraji

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri

2. The District Revenue Officer
Dharmapuri

3. The Tahsildar
Karimangalam Taluk
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the first and third respondents herein, from disturbing the peaceful possession and enjoyment of the lands comprised in S.N.183/6 of Hanumanthapuram Revenue Village, Karimangalam Taluk, Dharmapuri District, measuring 3 acres, pending disposal of the Appeal dated 28.03.2022 in DR.No.2179 of 2022 on the file of the 2nd respondent.

For Petitioner : Ms.S.Sridevi

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader.

O R D E R

The relief sought for in the present writ petition is to forbear respondents 1 & 3 from disturbing the peaceful possession and enjoyment of the lands comprised in S.No.183/6 of Hanumanthapuram, Revenue Village, Karimangalam Taluk, Dharmapuri District, measuring 3 acres, pending disposal of the Appeal dated 28.03.2022 in DR.No.2179 of 2022 on the file of the 2nd respondent.

2. The learned counsel for the petitioner made a submission that the appeal preferred by the petitioner before the Revenue Divisional Officer is pending.



3. Pendency of an application before the Revenue Divisional Officer is not a ground to entertain a writ petition. The relief sought for herein is of civil in nature and in respect of right over the property in dispute, the petitioner has to approach the competent court of law for establishing the title or ownership or otherwise. The High court cannot adjudicate such issues in a writ proceeding under Article 226 of the Constitution of India. Establishing title requires examination of documents in original and witnesses, which is to be done by way of full fledged trial.

4. The learned counsel for the respondent made a submission that the land in question is Anatheenam land and therefore, the petitioner has no right over the same.

5. All such issues are to be adjudicated with reference to the documents and evidences. Therefore, this Court is not inclined to entertain this writ petition.

6. Accordingly, this Writ Petition stands dismissed with liberty granted to petitioner to approach the competent civil court of law for the purpose of establishing his right. No costs.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The District Collector
Dharmapuri District
Dharmapuri

2. The District Revenue Officer
Dharmapuri

3. The Tahsildar
Karimangalam Taluk
Dharmapuri District.

+1 cc to Mr.R.Selvakumar, Advocate Sr.NO. 31572

+1 cc to Government Pleader Sr.NO. 31675

W.P.No.13065 of 2022

RGN(CO)

A.SK(27/05/2022)