

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15511 of 2022

1.G.Selvaraj

2.R.Sivakumar

...Petitioners

Vs.

1.The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

2.Pushpadevi @ Hemalatha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent herein to pass order on petitioner representation dated 17.05.2022 for making correction of the revenue records within the time fixed by this Court.

For Petitioners : Mr.B.Manoharan

For R1 : Mr.P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent herein to pass order on petitioner representation dated 17.05.2022 for making correction of the revenue records within the time fixed by this Court.

2. The case of the petitioners is that originally a larger extent of land was owned by one Balaraman family, which was purchased in the name of Nagammal. While so, the petitioners jointly purchased a property in Survey No.758, Kundrathur Village, No.195, Sri Venkata Subramaniaswamy Nagar, Sriperumbudur Circle, Kancheepuram District, from the larger extent of land, from one Pandi, who originally purchased the said land from the said Nagammal. From the date of purchase, they were in possession and enjoyment of the aforesaid property. When the petitioners approached the Revenue Department for mutation of revenue records, they came to know that the revenue

records were mutated in the name of the 2nd respondent. Therefore, the petitioners made an application through online on 17.05.2022 before the 1st respondent vide application No.2022/0105/03/363279. However, the same was not considered by the respondents. Hence, the petitioners have filed the present Writ Petition with the aforesaid prayer.

3. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the 1st respondent herein to consider the petitioner's representation dated 17.05.2022 for making correction in the revenue records and pass appropriate orders within the time fixed by this Court.

5. The learned Additional Government Pleader appearing for the 1st respondent submitted that it is purely a property dispute between the petitioners and the 2nd respondent. However, instead of approaching the Civil Court, the petitioners have filed this writ petition, which is not sustainable. Hence, he prayed for dismissal of this writ petition.

6. On a perusal of the records, it is seen that the petitioners had purchased the above said property from one Pandi, whereas, the 2nd respondent had purchased the property from the legal heirs of the said Nagammal. Hence, it is purely a property dispute between the parties. Therefore, without exhausting the remedy before Competent Civil Court, approaching this Court under Article 226 of Constitution by way of this writ petition is not maintainable.

7. In view of the above, this Court is of the view that the dispute between the parties cannot be decided by the revenue authorities. Hence, the petitioners are directed to approach the civil court for establishing their title over the property. If the petitioners succeed before the Civil Court, they are at liberty to make a fresh application before the 1st respondent for making necessary correction in the revenue records.

8. Accordingly, this Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

sp/anu

To

The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

+lcc to the Government Pleader Sr.No.39644

W.P.No.15511 of 2022

SKM(CO)
RVM(18/07/2022)