



W.P.Nos.29906 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.29906 of 2014

Nallasurakuppu Reddy

Petitioner

Vs.

1. District Collector,
Thiruvallur.
2. The District Revenue Officer,
Thiruvallur-600 201.
3. The Tahsildar,
Gummidipoondi-601 201.
4. The Sub Registrar,
Gummidipoondi.
5. The Village Administrative Officer,
22, Namalur Village, Madura,
Tiruvallur-601 201.
6. Nallasura Venkatrama Reddy
7. Narasima,
8. Nallasura Venkata Ramana Reddy
- 9.Nallasura Gopal Reddy

. . . Respondents



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PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, or any other appropriate direction or Order in the nature of a writ, calling for the records of the 2nd Respondent in respect of Na.Ka.No.15253/11/A3 dated 03.09.2014 and quash the same.

For Petitioner : M/s. P.R.Balasubramanian
For Respondents : Mr.R.P.Murugan Raja,
Government Advocate for R1 to R5
: M/s. D.Daniel Ambrose for R6 to R9

ORDER

The present petition has been filed seeking to quash the impugned order dated 03.09.2014 passed by the 2nd Respondent.

2. It is the case of the petitioner that his father had executed a settlement deed dated 15.10.2008 in favour of the petitioner with respect to the disputed property, based on which, the petitioner approached the 3rd Respondent/Tahsildar for transfer of Patta in the petitioner's name, however, the claim of the petitioner was rejected on the advise of the 5th Respondent, against which, the petitioner had preferred an appeal before the 2nd



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Respondent/District Revenue Officer. Thereafter, the petitioner filed a Writ Petition before this Court in W.P.No.13196 of 2009 seeking a direction to dispose of the appeal filed by the petitioner, pursuant to which, this Writ Petition was disposed of with a direction to the 2nd Respondent to consider the appeal filed by the petitioner and pass orders on the same. In compliance of the above order, the order impugned in this Writ Petition has come to be passed. Challenging the same, the petitioner has come up with the present petition.

3. Learned counsel for the petitioner submits that without conducting appropriate enquiry and without even verifying the documents pertaining to the property in dispute, the order imugned in this Writ Petition has come to be passed, which clearly shows non-application of mind of the 2nd respondent in passing such an order. Hence, the order impugned is liable to be set aside.

4. On the above contentions, this Court, heard the learned Government Advocate appearing for Respondents 1 to 5 and perused the materials available on record.



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5. On a perusal of the impugned order, it appears that the petitioner had mainly relied upon the partition deed alleged to have been executed in respect of the disputed property, however, no such deed was placed before the appellate authority to substantiate his claim, which had resulted in passing of the present impugned order. Further, the property in dispute having been classified as Anathinam, the same was allotted to various persons and individual patta has been issued in favour of them.

6. The issue involved in the present case is with regard to the title to the property, which being a disputed question of fact, this Court cannot adjudicate the same under Article 226 of the Indian Constitution. Hence the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed. If at all the petitioner has any grievance, it is open for the petitioner to approach the competent Civil Court to work out his remedy in the manner known to law.



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7. In view of the reasons aforestated, this Writ Petition is devoid on merits and the same is accordingly dismissed. No Costs.

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Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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