



W.P.No.18940 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

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

W.P.No.18940 of 2017

and

W.M.P.No.20448 & 20449 of 2017

M.Sekar

. . . Petitioner

Vs.

1. The Revenue Divisional Officer,
Tambaram Division,
Tambaram.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.
3. S.Sakthivel
4. S.Palani
5. S.Murthy
6. S.Shanmugam
7. A.Vijayalakshmi
8. P.Manjula



W.P.No.18940 of 2017

9. M.Indrani

10. M.Venkatesh

11. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai-600 045

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of a writ for directing the 1st respondent to consider the representation given by the petitioner on 09.07.2015 for the cancellation of patta in the name of Mr.Late.Sivananda Thevar and to issue Patta in the name of the petitioner by conducting proper enquiry with respect to the schedule property.

For Petitioners : No Appearance

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader for R1, R2 & R11

ORDER

The present petition has been filed seeking a direction to the 1st respondent to consider the representation dated 09.07.2015 made by the petitioner seeking cancellation of patta which was granted in favour of one



W.P.No.18940 of 2017

Late. Sivananda Thevar and for issuance of patta in favour of the petitioner in respect of the subject property of this Writ Petition.

2. Despite very many opportunities, the counsel for the petitioner had not come forward to prosecute the case. Even today there is no appearance for the petitioner. Since, this Writ Petition is of the year 2017, this Court is inclined to take up the matter for final disposal and decide the same on merits.

3. Since, no adverse order is being passed against the private respondents, notice to respondents 3 to 8 is dispensed with.

4. It is the case of the petitioner that originally the property situated at Door No.36 & 37 was purchased by his grand father Late.Thangavel Thevar by way of sale deed dated 13.02.1952 and the petition Schedule property was allotted to the petitioner's father namely T.Mani Thevar by way of a partition among the legal heirs of said Thagavel Thevar. Due to a civil dispute among the family members, suit in



W.P.No.18940 of 2017

O.S.No.156/1998 for Permanent Injunction was filed by one Sivanandam thevar, who is the brother of said Mani thevar, as against the petitioner's father, on the file of the District Munsif Court at Tambaram, in which, his possession was confirmed vide the decree on 03.09.2002. After the demise of said Sivanandam thevar, his legal heirs who are the private respondents are attempting to illegally occupy the petition schedule property on the basis of the Patta which was granted in favour of their father. Being aggrieved by the same, the petitioner made a representation to the 1st respondent herein to seeking cancellation of patta granted in favour of said Sivanandam Thevar and to issue patta in favour of the petitioner. However, till date, no action has been taken on his representation. Hence, the present petition has been filed.

5. On the above contentions, this Court, heard the learned Additional Government Pleader appearing for the official respondents.

6. It is evident from the materials available on record that the issue involved in the present case is purely a family dispute and therefore, this



W.P.No.18940 of 2017

Court under Article 226 of the Indian Constitution cannot adjudicate the same and the prayer sought for in this Writ Petition cannot be acceded to and this Writ Petition deserves to be dismissed. The proper course open for the petitioner is to approach the competent civil court to work out his remedy.

7. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

17.10.2022

NHS

Index : Yes / No

Internet : Yes / No



WEB COPY



W.P.No.18940 of 2017

M.DHANDAPANI, J.

NHS

To

1. The Revenue Divisional Officer,
Tambaram Division,
Tambaram.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.
3. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai-600 045

W.P.No.18940 of 2017

17.10.2022