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W.P. No.29222 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 29222 of 2017

Kavin

... Petitioner

Vs.

1. The District Collector,
Namakkal.

2. The Revenue Divisional Officer,
Namakkal.

3. The Tahsildar,
Thiruchengode, Namakkal District.

4. Easwara Moorthy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 more particularly 3rd respondent to consider the representation of the petitioner dated 31.01.2017.

For Petitioner : Mr.A.Arun Babu

For Respondents : Mr.U.Bharanidharan, AGP RR1 to 3
Mr.T.L.Thirumalaisamy R4



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ORDER

The writ petition has been filed seeking a direction to the respondents 1 to 3 more particularly 3rd respondent to consider the representation of the petitioner dated 31.01.2017.

2. It is the case of the petitioner that the entire land measuring an extent of 1.67.5 Hectres in S.No.90/1B2 of Munjanoor Village together with well and HB Motor and house thereon. The 3rd respondent appeared to have sub divided above said survey number into two parts by renumbering it as 90/1B2A – 1.65.5 Hectares and 90/1B2B – 0.01.0 Hectares on the basis of the misrepresentation of the 4th respondent. The patta has been given in the name of the 4th respondent for new sub-division 90/1B2B – 0.01.0 hectares without issuing any notice to the petitioner. Hence, the petitioner made a representation dated 31.01.2017 to the respondents seeking cancellation of the sub division and restoration of original S.No.90/1B2 with an extent of 1.67.5 Hectares and the same has not been considered. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may



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grant liberty to the petitioner to file an appropriate suit before the competent Civil Court.

4. Heard the learned counsel on either side and perused the materials available on record.

5. On perusal of the affidavit, it is made clear that the claim made by the petitioner is disputed question of facts, which cannot be decided by this Court as well as the revenue officials and the same has to be decided only by the competent civil forum. When the matter is taken up for hearing, the learned counsel has also seeks liberty to approach the competent civil Court in respect of the subject property.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioners, this Court, without rendering any opinion on the merits of the case, permits them to file a suit before the competent Civil Court for getting appropriate remedy within a period of four weeks from the date of receipt of a copy of this order.



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7. With the aforesaid direction, this Writ Petition stands disposed of.

No costs.

03.11.2022

rli

Index : Yes / No

Speaking order : Yes / No

To

1. The District Collector,
Namakkal.

2. The Revenue Divisional Officer,
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3. The Tahsildar,
Thiruchengode, Namakkal District.



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M.DHANDAPANI, J.
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