



W.P.No.2204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.2204 of 2023

Haribabu ... Petitioner

Vs

1.The Tahsildar-cum-Chairman
Administrative Advisory Committee
ECR Road, Kottupalayam
Lawspet Post
Puducherry-605 008.

2.S.Santhanakrishnan ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari calling for the records of the 1st respondent pertaining to his proceedings in notice No.6573/TOO/LG/E /2022 dated 19.10.2022 quash the same

For the Petitioner : Mr.K.S.Karthik Raja

For the Respondents : Mr.M.Nirmal Kumar,
Government Advocate (Puducherry)
for the first respondent



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ORDER

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The writ petition has been filed in the nature of certiorari calling for the records of the first respondent pertaining to proceedings in Notice No. 6573/TOO/LG/E/2022 dated 19.10.2022 and quash the same.

2. The petitioner has grievance against the second respondent. It is stated that originally, a power of attorney document was executed by one N. Saravanan in favour of K.H. Construction. The land was developed and eight flats were constructed. Thereafter, a sale deed was executed by N. Saravanan in favour of S. Padmini, mother of the petitioner herein. Thereafter a settlement deed was executed in favour of the petitioner. There was dispute among the parties and a memorandum of understanding dated 26.08.2015 was executed by the petitioner and three other individuals, D. Karthikeyan, K. Kandasamy and N. Saravanan regarding further development of the property.

3. The petitioner executed an agreement of sale on 16.12.2015. It is complained that it was only for a loan transaction and not for



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conveyance of the flat. The second respondent had however given a complaint before the first respondent/Tahsildar-cum-Chairman, Administrative Advisory Committee complaining that the petitioner is attempting to grab the land. It is under these circumstances the writ petition has been filed.

4. On the basis of a representation given, the first respondent had issued notices to both the petitioner and the second respondent and after examining the various statements made by them had opined that the petitioner can seek remedy through the competent forum and they were both advised to not to indulge in activities leading to a law and order issue.

5. The petitioner always has the remedy to approach the competent forum/civil court. A Civil suit, unless it is expressly or impliedly barred under Section 9 CPC, would be maintainable. The writ court can never adjudicate on disputed facts.



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6. The writ petition stands disposed of. No costs. Consequently,

WMP No.2283 of 2023 is closed.

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Index: Yes/no
mrn

To
1.The Tahsildar-cum-Chairman
Administrative Advisory Committee
ECR Road, Kottupalayam
Lawspet Post
Puducherry-605 008.



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C.V.KARTHIKEYAN, J.
(mrn)

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