



Writ Petition No.2084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/1/2023

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.2084 of 2023

Ezhumalai

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Petitioner

Vs

1. The Tahsildar
Bhuvanagiri Taluk
Cuddalore District 608 601.

2. The Inspector of Police
Bhuvanagiri Police Station
Bhuvanagiri Taluk
Cuddalore District 608 601.

3. Velmurugan

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to direct the first and second respondents to implement the proceeding in Na.Ka.No.A1/1836/2020 dated 20/8/2020 of the Sub-Collector by disposing the representation dated 12/12/2022.



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For Petitioner ... Mr.B.Manoharan
For respondents ... Mr.R.Murugan Raja
Government Advocate
for R.R.1 and 2.

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ORDER

This writ petition has been filed to direct the respondents to direct the first and second respondents to implement the proceeding in Na.Ka.No.A1/1836/2020 dated 20/8/2020 of the Sub-Collector by disposing the representation dated 12/12/2022.

2. The case of the petitioner is that the petitioner is the owner of the property, comprised in S.No.137/1, New No.222/14, 222/15 and S.No.45 A, 4C – 4D, Manjakollai Village & Post, Bhuvanagiri Taluk, Cuddalore District. Third respondent is the subsequent purchaser of the land and in the parental document of the third respondent, in the boundary, it was mentioned as land belongs to Govindan Pallai, grandfather of the petitioner. Ever since 1950, petitioner and his family members are in possession of the property. Third respondent, with a malafide intention to grab the property, approached the Sub-Collector, Chidambaram for mutation of the revenue records. After due enquiry, the Sub-Collector, rejected the claim of the



third respondent and declared that no mistake in the revenue records. Third respondent, without filing any appeal, making several complaints against the petitioner. Hence, submitted a representation on 12/12/2022. Since there was no response, petitioner has come forward with the instant writ petition.

3. Heard Mr.B.Manoharan, learned counsel for the petitioner and Mr.R.Murugan Raja, learned Government Advocate for the respondents 1 and 2.

4. I have perused the materials available on record.

5. It appears that third respondent had filed a suit in O.S.No.244 of 2020, on the file of the Sub-Court, Chidambaram, for declaration and possession. When the Civil Court has already seized off the matter, there cannot be any direction to the revenue authorities to effect the revenue records in favour of the petitioner. In such a view of the matter, Civil Court may be directed to decide the title independently, will serve the ends of justice.



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6. Accordingly, learned Subordinate Judge, Chidambaram is directed to expedite the trial and dispose of the suit, on its own merits and in accordance with law, without any further delay.

7. With the above direction, this writ petition is disposed of. No costs.

27/1/2023

mvs.

Index : Yes / No

Internet: Yes

Speaking/non speaking orderNeutral Citation: Yes/No

To

1. The Sub-Court, Chidambaram
2. The Tahsildar, Bhuvanagiri Taluk, Cuddalore District 608 601.
3. The Inspector of Police
Bhuvanagiri Police Station
Bhuvanagiri Taluk, Cuddalore District 608 601.

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