



WEB COPY

WP No.21328 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.21328 of 2013

And

MP Nos.1 and 2 of 2013

Mrs.Rajammal

... Petitioner

Vs.

- 1.The Superintendent of Police,
Villupuram,
Villupuram District.
- 2.The Deputy Superintendent of Police,
Land Grabbing Special Unit,
Villupuram District.
- 3.The Sub Registrar,
Arganda Nallur Sub Registrar Office,
Thirukoilur,
Villupuram District.
- 4.Gloria Mary
- 5.Siriya Pushpam



6.Rajesh AKA Royappan

7.Vincent

8.Arokiya Doss

9.Francis

10.Royappan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take action under Land Grabbing against the respondents 4 to 10.

For Petitioner : Mr.D.Murugappan

For Respondents-1 to 3 : Mr.Abhishekmurthy,
Government Advocate.

For Respondents-4 to 8
and 10 : Mr.K.S.V.Prasad

For Respondent-9 : Batta Due

ORDER

The writ on hand has been instituted to direct the respondents 1 and 2 to take action under Land Grabbing against the respondents 4 to 10



and pass orders.

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2. The petitioner states that he is the absolute owner of the agricultural land in R.S. No.140/13C measuring 17 cents and R.S.No.147/7 measuring 45 cents as per the registered Will executed by his father late Mr.Abraham and his mother late Smt.Alamelu Ammal. The said lands were kept as 'Tharisu' due to the old-age of the petitioner.

3. The grievance of the petitioner is that the respondents 4 to 10 have encroached upon the land belongs to the petitioner. In this regard, the petitioner had submitted a complaint before the Land Grabbing Cell and they have not taken any appropriate action and thus the petitioner is constrained to move the present writ petition.

4. The Deputy Superintendent of Police filed counter-affidavit by stating that an enquiry was conducted in the Office of the Special Sub Inspector, Anti-Land Grabbing Special Cell.



5. The petitioner as well as the counter-petitioners were asked to appear for an enquiry. On verification of documents, the Authorities found that there are documents with the petitioner and the counter-petitioners also and thus they have advised the petitioners to seek remedy before the Sub Collector, Thirukoilur. Consequently, the complaint submitted by the petitioner was closed.

6. The learned counsel for the petitioner states that the appeal is pending before the Sub Collector, Thirukoilur. If so, the petitioner has to pursue the same. With reference to the ownership and title, this Court cannot give any finding in the absence of any adjudication by the Competent Civil Court of Law.

7. The High Court cannot adjudicate the disputed issues in the writ proceedings by exercising the powers of judicial review. All such issues are to be adjudicated with reference to the documents and evidences on record and therefore, in the event of any dispute regarding title or ownership, then the petitioner has to approach the Competent Civil Court of Law.



8. Since the Authorities Competent of the Land Grabbing Cell is unable to form an opinion about the title or ownership, they have advised the petitioner to approach the Sub Collector, Thirukoilur.

9. That being the factum, the petitioner is at liberty to pursue his remedy before the Sub Collector, Thirukoilur or before the Competent Civil Court of Law, by instituting an appropriate civil suit.

10. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

20-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Superintendent of Police,
Villupuram,
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- 2.The Deputy Superintendent of Police,
Land Grabbing Special Unit,
Villupuram District.
- 3.The Sub Registrar,
Arganda Nallur Sub Registrar Office,
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