



W.P.No.6074 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6074 of 2023

and

W.M.P.No.6111 of 2023

P.Ayindu

... Petitioner

Vs.

1.The Thasildhar,
Vikravandi Taluk,
Vikravandi,
Villupuram District.

2.The Revenue Inspector,
Vikravandi Taluk,
Vikravandi,
Villupuram District.

3.The Inspector of Police,
Vikravandi Police Station,
Vikravandi,
Villupuram District.

4.Pazhani

5.Saravanan
...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the



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records connected with the proceedings of 1st respondent vide. Na. Ka. A3 / 759 / 2022 dated 26.07.2022 quash the same and consequentially direct the 1st respondent to find out the real sharer from the impersonator in the residential land Survey No. 115/1 Aasur South Revenue Village based on the Revenue Documents on the file of 1st respondent office.

For Petitioner : A.Selvaraj

For Respondents :
(for R1 to R3) : Mr.D.Ravichaner, Spl.Govt. Pleader
(for R4 & R5) : Mr.D.Senthil Kumar

ORDER

The order passed by the Revenue Tahsildar, Vikravandi Taluk, in proceeding dated 26.07.2022 is sought to be quashed in the present writ petition.

2.The writ petitioner states that he is the absolute owner of the property more fully described in the present writ petition. There were frequent quarrels between the petitioner and the 4th and 5th respondents which created law and order issue in the locality and the Sub Inspector of Police, Vikravandi Police Station, referred the case to the Tahsildar Vikravandi Taluk, for the purpose of resolving the same under Section 145



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of the Criminal Procedure Code. Pursuant to the reference made by the Sub

Inspector of Police, Vikravandi, the Revenue Tahsildar conducted an inquiry by affording opportunity to both the parties. Both the parties claimed right over the immovable property and after considering the documents, the Revenue Tahsildar formed an opinion that the issues cannot be resolved by him and the parties have to approach the competent Civil Court of law for the purpose of establishing their right.

3.The Revenue Tahsildar is unable to ascertain regarding the confusion raised about two persons with the same name Palani. The learned counsel for the petitioner made an attempt to explain that one Palani died and the death certificate is enclosed. Pertinently the father's name of both the persons named Palani is also one and the same. Thus, the Tahsildar is unable to find out the truth behind the persons so as to ascertain the right person. The Tahsildar relegated the parties to approach the Civil Court of law for the purpose of resolving the same.

4. High Court cannot conduct a roving inquiry in respect of such disputed issues regarding impersonation or otherwise. The facts have to be established through documents and evidences and oral evidence are also



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required. When the Revenue Authorities have relegated the parties to approach the Civil Court of law, then the parties are at liberty to do so for the purpose of establishing their case. Contrarily, the powers of Judicial Review cannot be expanded for adjudication of such nature of disputed issues which is to be decided based on the documents and evidence of record.

5.Thus, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of establishing his case. With these liberties, the writ petition stands **disposed of**. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

17.07.2023



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WEB COPY To

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S.M.SUBRAMANIAM. J.,

(sha)

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