



WP No.33623 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.33623 of 2015

And

MP No.1 of 2015

LUZ GINZA ASSOCIATION,
Represented by its Secretary,
140, Royapettah High Road,
Mylapore,
Chennai-600 004.

.. Petitioner

VS.

1.The Tahsildar,
Mylapore Taluk,
R.A.Puram,
Chennai-600 028.

2.S.Senthilkumar

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the order dated 31.08.2015 made in Na.Ka.Aa.2/6233/2015 on the file of the first respondent and quash the same and further direct the first respondent to give the proper opportunity to the petitioner and to consider the contention of the petitioner materials and documents and to consider.

For Petitioner : Mr.R.Loganathan
[Change of Vakalat Given]

For Respondent-1 : Mr.S.Ravichandran,
Additional Government
Pleader.

For Respondent-2 : Not Ready in Notice

ORDER

The present writ petition has been filed challenging the order dated 31.08.2015 passed by the Tahsildar, Mylapore Taluk regarding the survey conducted in respect of the property belongs to the petitioner.



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2. The petitioner is an Association registered under the Societies Registration Act. The petitioner-Association Luz Ginza Association had in its role, the members, who all are in occupation and retained ownership of an extent of building for its commercial purposes.

3. There was a dispute in respect of the boundaries of the property belongs with reference to the properties of the petitioner-Association.

4. The second respondent has also raised a dispute with reference to his portion of the property and the second respondent submitted an application before the Tahsildar, Mylapore on 22.07.2015 along with the relevant documents and furnished the copy of the Map containing the subdivision and its measurements. The said Map as well as the letter dated 31.08.2015, enclosing the Map, is under challenge in the present writ petition.

5. The dispute regarding the immovable property as against the



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writ petitioner and the second respondent cannot be adjudicated by the High Court in the writ proceedings under Article 226 of the Constitution of India.

6. The Map furnished by the Tahsildar marking the extent of the land along with the measurements cannot be gone into by the Writ Court and such issues require an elaborate adjudication with reference to the documents and evidences.

7. It is a civil dispute between the petitioner and the second respondent. Therefore, the petitioner has to approach the Competent Civil Court of Law for resolving the issues.

8. The order of the Tahsildar was based on the documents and the survey conducted by him. Such an order cannot be interfered with, since it is a civil dispute between the petitioner and the second respondent.

9. Therefore, the petitioner is at liberty to approach the Competent



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Civil Forum for the purpose of resolving the issues.

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10. With the abovesaid liberty, the writ petition stands dismissed.

However, there shall be no order as to costs. Consequently the connected miscellaneous petition is also dismissed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The Tahsildar,
Mylapore Taluk,
R.A.Puram,
Chennai-600 028.

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