



W.P.No.7502 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7502 of 2023

and

W.M.P.No.7605 of 2023

Karpagavalli

...Petitioner

-Vs-

1.The District Collector,
Cuddalore District.

2.The Sub-Collector,
Virudhachalam,
Cuddalore District.

3.The Thasildar,
Virudhachalam,
Cuddalore District.

4.The Surveyor,
Virudhachalam,
Cuddalore District.

5.The Revenue Inspector,
Virudhachalam,
Cuddalore District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, restraining the respondents to not to interfere with the petitioner's peaceful possession and occupation of the land in S.No.60/1, Soppalanatham Village, Virudhachalam Taluk, without following due process of law, based on the petition No.TN/REV/CUD/P/COLIMGDP/30JAN23/4948896 and date 2023/01/30 on the file of the 1st respondent.

For Petitioner : Mr.K.Chozhan

For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

The relief sought for in the present Writ Petition is to restrain the respondents from interfering with the petitioner's peaceful possession and occupation of the land comprised in S.No.60/1, Soppalanatham Village, Virudhachalam Taluk.

2. The relief as such sought is absolutely misconceived. Such a relief of injunction cannot be granted in a Writ proceeding in respect of a immovable property, merely based on the fact that the petitioner is in



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possession of the subject property. The petitioner also states that as per the revenue register, she is holding the subject land and cultivating the same.

3. Mere revenue record in this regard would be insufficient to form an opinion that the petitioner is the owner of the subject property. Title and ownership are to be decided in the manner known to law. If at all the petitioner is in possession of title document, she has to establish the same by approaching the competent Civil Court of law. Contrarily, High Court, in a Writ proceeding, cannot adjudicate such disputed facts for the purpose of declaring title or ownership in favour of any persons.

4. The learned Government Advocate raised an objection stating that the subject land belongs to the Government and the petitioner's name has been found in B-Memo and therefore, an enquiry is to be conducted for the purpose of ascertaining the entire facts and circumstances.

5. The petitioner is in possession of larger extent of Government land and that being the factum, the respondents are bound to conduct an enquiry



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and verify the revenue records as well as other factors and take a decision in accordance with law. At the outset, the District Collector has to conduct an enquiry and accordingly initiate all appropriate actions in the manner known to law to protect the public interest and the revenue of the State.

6. With this observation, the Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes

Neutral Citation:Yes/No

Speaking order

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To
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S.M.SUBRAMANIAM, J.

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