



WEB COPY

W.P.No.3372 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3372 of 2023

and

W.M.P.No.3440 of 2023

E.Selvaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Department of Revenue,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Tiruvallur,
Tiruvallur District.

3.The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.

4.The Tahsildar,
Ponneri,
Tiruvallur District.

5.Kala

6.Kalvi

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7.D.Muthu
8.D.Kirubanandan
9.D.Prakasam
10.D.Sundar
11.Sabitha
12.D.Raja
13.The District Registrar,
Tiruvallur,
Tiruvallur District.

14.The Sub Registrar,
Thiruvotriyur,
Tiruvallur District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the fourth respondent herein to carryout name transfer from the name of petitioner's maternal grandmother late Rajammal into petitioner's name pertaining to the land measuring an extent of (1) 73 cents comprised in survey no.212/5 having patta no.71 situated in Vitchur Village, Ponneri Taluk, Tiruvallur District and (2) 62 cents comprised in Survey No.212/4, having patta no.450, together being 135 cents of land, situated in Vitchur Village, Ponneri Taluk, Tiruvallur district.

For Petitioner : Mr.V.Athikesavan,
for Mr.Secular S.Arunkumar

For Respondents 1 to 4 &
13 & 14 : Mr.P.Sanjay Gnadhi,
Government Advocate

For Respondents 5 to 12 : Mr.R.Ravichandran



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ORDER

The relief sought for in the present writ petition is to direct the fourth respondent to carryout name transfer from the name of petitioner's maternal grandmother viz., late Rajammal to petitioner's name pertaining to the land measuring an extent of (1) 73 cents comprised in survey no.212/5 having patta no.71 situated in Vitchur Village, Ponneri Taluk, Tiruvallur District and (2) 62 cents comprised in Survey No.212/4, having patta no.450, together being 135 cents of land, situated in Vitchur Village, Ponneri Taluk, Tiruvallur district.

2. The petitioner states that the subject property stands in the name of his grand mother. Therefore, the patta is to be transferred in his name.

3. Per contra, the contesting respondents Nos.5 to 12 raises objection by stating that the subject property described in the present writ petition belongs to the respondents.

4. In the event of dispute of facts, the parties are to be relegated to approach the competent Civil Court of law for the purpose of establishing their civil right.



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5. High Court cannot conduct a roving enquiry with reference to the title documents in the writ proceedings. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the process through which a decision is taken by the competent authority in consonance with the Statutes and Rules in force, but not in decision itself. Therefore, the disputes of civil nature ought to be adjudicated by the Civil Court of law, based on the documents and evidences available on record.

6. In view of the dispute existing between the parties in the present writ petition, either of the parties are at liberty to approach the competent Civil Court of law for the purpose of resolving the issues by establishing their civil rights through documents and evidences.

7. With these observations, this writ petition stands disposed of. No cost. Consequently, connected miscellaneous Petition is closed.

10.07.2023

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Speaking order



To

W.P.No.3372 of



- 1.The Secretary to Government,
Department of Revenue,
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Chennai – 600 009.
- 2.The District Collector,
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Tiruvallur District.
- 3.The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.
- 4.The Tahsildar,
Ponneri,
Tiruvallur District.
- 5.The District Registrar,
Tiruvallur,
Tiruvallur District.
- 6.The Sub Registrar,
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S.M.SUBRAMANIAM, J.

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