



WEB COPY



W.P.No.13065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13065 of 2023

Mr.K.Rajendran

...Petitioner

Vs.

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Revenue Divisional Officer,
Arni,
Tiruvannamalai District.

3.The Tahsildar,
Kalasapakkam,
Tiruvannamalai District.

4.Mr.Murugan

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to dispose-off the appeal dated 07.09.2022 given by the petitioner.



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For Petitioner : Mr.E.P.Senniyangiri
For R1 to R3 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to dispose-off the appeal given by the petitioner dated 07.09.2022.

2. The grievance of the writ petitioner is that he is the owner of the subject property and an assignment was erroneously granted in favour of the 4th respondent by the Tahsildar. In this regard, he filed an appeal before the 2nd respondent / Revenue Divisional Officer and therefore, the petitioner has chosen to file the present writ petition, seeking disposal of the said appeal.

3. The Revenue authorities are incompetent to decide the title or ownership in respect of the property. Once the title or ownership is established and not disputed, then alone, the Tahsildar or the Revenue Divisional Officer can consider for grant of patta, its cancellation or mutation of Revenue records or otherwise.



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4. In the event of any dispute regarding title or ownership, the parties are bound to approach the competent Civil Court of law for the purpose of redressing their grievances. In such circumstances, a writ petition filed to dispose off the appeal is not entertainable, since general directions issued in this regard would do no service to the cause of justice. Contrarily, the litigants are back again to the Court by way of another writ petition and thus, the High Court cannot encourage such practice of multiplication of litigations at the instance of the litigants. Contrarily, they have to approach the proper Forum or Court for the purpose of redressal of grievances.

5. The learned counsel for the petitioner states that the petitioner is the owner of the property and the assignment was erroneously assigned in favour of the 4th respondent. The petitioner relies on Xerox copy of the sale deed enclosed along with the writ petition, which cannot be tested by this Court.



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6. This being the factum, the petitioner is at liberty to approach the competent Civil Court of Law for the purpose of establishing his title or ownership through original documents and evidences and also through oral statements and this being the procedures to be followed, the relief as such sought for in the present writ petition deserves no merit consideration.

7. Accordingly, the writ petition stands dismissed. No costs.

28.04.2023

Index : Yes/No

Speaking order: Non-Speaking order

Neutral Citation: Yes/No

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To

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Tiruvannamalai,
Tiruvannamalai District.

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Arni,
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3.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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