



WEB COPY

W.P.No.12271 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12271 of 2023 &
W.M.P.No.13391 of 2023

M.Sekar

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Thiruvallur District.

2.The Sub Collector,
O/o. The Sub Collector,
Ponneri,
Thiruvallur District.

3.The Tahsildar,
O/o. Gummidipoondi Taluk,
Gummidipoondi,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, directing the third respondent to call for the records pertaining to the impugned rejection order bearing No.Na.Ka.20/2023/A6, dated 22.02.2023 issued by the third respondent and to quash the same and consequently direct the third



respondent to take appropriate action to survey the petitioner land Vazhuthalambedu Village, Survey No.134/1A1A, and in another Survey No.134/1A3 and issue a sub-divided patta in petitioner name.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

The order dated 22.02.2023 passed by the third respondent relegating the writ petitioner to approach the civil court of law is under challenge in the present writ petition.

2. The petitioner states that he is one of the joint owner of the land situated at Thiruvallur District, Gummudipoondi Taluk, Vazhuthalambedu Village, Old Survey No.134/1A, New Survey No.134/1A1A, totally measuring an extent of Hectare 0-39.50 Ares and another survey No.134/1A3, totally measuring an extent of Hectare 0-6.00 Ares of land. The revenue department issued joint patta in the name of the ancestor owner and the purchasers. The petitioner sent several representations to sub divide and issue patta. Thereafter, he filed W.P.No.21593/2022 and this Court directed the third respondent to consider the representation vide its order dated 24.08.2022. Pursuant to the directions issued by this Court, the Tahsildar



issued the order stating that the petitioner has to approach the civil court of law for the purpose of resolving the issues.

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3. The petitioner himself filed a miscellaneous petition to implead the other joint owners and the dispute exists between the parties. Such disputed issues cannot be adjudicated either by the Revenue Authority or by the High Court. The order impugned reveals that there is a dispute regarding boundaries of the property and there is no clear document to establish the boundaries. Thus, the petitioner was relegated to approach the civil court of law.

4. This Court do not find any infirmity in respect of the order, since the dispute exists between the joint owners of the property.

5. In view of the facts and circumstances of the case, the petitioner is at liberty to approach the civil court of law for the purpose of resolving the issues. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2023

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Index : Yes



Speaking order

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To

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Thiruvallur District.
- 3.The Tahsildar,
O/o. Gummidipoondi Taluk,
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WEB COPY

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S.M.SUBRAMANIAM, J.

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