



WEB COPY



Writ Petition No.16435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.16435 of 2023

R.Ponnusamy

... Petitioner

-Vs-

1. The Assistant Director,
Department of Survey and Land Records,
Coimbatore.

2. The Revenue Divisional Officer,
Goundanpalayam, Coimbatore.

3. The Tahsildar,
Annur, Coimbatore.

4. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore.

5. P.Ponnusamy

6. P.Sampath Kumar

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent relating to the impugned order of the 3rd respondent dated 11.01.2023 bearing Ref.No.Na.Ka.4921/2022/E1 and quash the same as illegal and arbitrary and consequently direct the 3rd respondent to survey and to demarcate the



Writ Petition No.16435 of 2023

lands of the petitioner with police aid in S.No.345/9 Kattampadi village,
Annur Taluk, Coimbatore District.

For Petitioner : Mr.L.Poovendran Perumal
For Respondent : Mr.N.Naveen Kumar
Government Advocate [R1 to R4]

ORDER

The order of the Tahsildar rejecting the claim of the writ petitioner to survey the land belonging to the petitioner on the ground that the schedule of the properties are ambiguous is under challenge in the present writ petition.

2. The grievances of the writ petitioner is that he has made an application to conduct survey of the land to measure the pathway. The Surveyor conducted field inspection in respect of the subject property and found that there is a dispute between the writ petitioner and one Mr.Sampath Kumar. The schedule of the properties mentioned in the documents are unclear and therefore, the Surveyor formed an opinion that he is not in a position to conduct survey of the subject property. In view of the dispute, the Tahsildar passed an order stating that the parties have to approach the competent Civil Court of law for the purpose of resolving the issues.



Writ Petition No.16435 of 2023

3. The Revenue Authorities are not competent to determine the title or ownership of the property. The Revenue Authorities can neither adjudicate the civil disputes nor form an opinion regarding the entitlement of the pathway or otherwise. Whenever there is a dispute between the parties or the property details are ambiguous, then the parties are to be relegated to approach the competent Civil Court of law and in the present case, the order impugned reveals that there is a dispute existing between the petitioner and the respondents 5 and 6 and therefore, the order passed by the Tahsildar relegating the parties to approach the Competent Civil Court of law to resolve the issue is in consonance with the principles settled and there is no infirmity as such.

Accordingly, the writ petition stands dismissed. No costs.

05.06.2023

Index : Yes
Speaking order: Yes
Neutral Citation: Yes/No
mp



WEB COPY



Writ Petition No.16435 of 2023

S.M.SUBRAMANIAM, J.

mp

To

1. The Assistant Director,
Department of Survey and Land Records,
Coimbatore.
2. The Revenue Divisional Officer,
Goundanpalayam, Coimbatore.
3. The Tahsildar,
Annur, Coimbatore.
4. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore.

Writ Petition No.16435 of 2023

05.06.2023