



WEB COPY

WP No.15015 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.15015 of 2023

And

WMP No.14556 of 2023

J.Ganessin

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Puducherry-4.

2.Iyyallu alias Varadarajan

3.R.V.Ravikumar

4.P.Gowri

5.Indirani

6.Ganesan

7.arjunan

8.Subbulatchumi



9.Balaraman

10.Murugan

11.Elumalai

12.Renuka

13.Murugavel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to initiate the proceedings No.7648 (2021)/DCR(R) N/Rev/A5/PGR/2022/3061 dated 28.12.2022 made by the Tahsildar (Revenue) Office of the Deputy Collector (North) Puducherry-13 against the wrongful closed of petitioner's inquiry Proceeding No.169/DC(R) N/PGR Cell/2016/1927 dated 23.08.2016.

For Petitioner : Mr.J.Ganessin [Petitioner-in-Person]

For Respondent-1 : Mr.S.V.Vasanthakumar,
Additional Government Pleader
(Puducherry).

ORDER

The relief sought for in the present writ petition is to direct the first respondent to initiate the proceedings No.7648 (2021)/DCR(R) N/Rev/A5/PGR/2022/3061 dated 28.12.2022 made by the Tahsildar



(Revenue) Office of the Deputy Collector (North) Puducherry-13 against the wrongful closed of petitioner's inquiry Proceeding No.169/DC(R) N/PGR Cell/2016/1927 dated 23.08.2016.

2. The petitioner is a practising Advocate and appearing in person.

3. The petitioner states that he is the absolute owner of the properties described in the schedule to the writ petition.

4. The grievance of the writ petitioner is that the respondents 2 to 13 are in illegal occupation of the properties belonging to him and in this regard, he made a complaint to the Tahsildar, who in turn directed the Competent Authorities for initiation of action.

5. Despite the fact that the Tahsildar issued an order, no action has been taken by the Competent Authorities and the petitioner submitted several representations, which all are not responded. Thus the petitioner is constrained to move the present writ petition.



6. Admittedly, the petitioner claims that the subject property is belonging to him. The respondents 2 to 13 are private parties allegedly in illegal occupation of the premises.

7. That being the factum, the Writ Court cannot issue any directions granting the relief to evict the occupants or to issue directions to the Authorities to carry out any eviction.

8. The learned Additional Government Pleader appearing on behalf of the first respondent made a submission that the very same petitioner filed pauper original petition in OP No.29 of 2014 and the said original petition was dismissed as withdrawn. The said factum has also not been stated in the present writ petition.

9. May that as it be, this Court is of the considered opinion that the property dispute between the private individuals are to be resolved through the Competent Civil Court of Law and thus the petitioner is to be relegated for the purpose of redressing his grievances in the manner known



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10. The Writ Court cannot issue any order for eviction of a private person in respect of the private property.

11. That being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of resolving the issues. If at all any criminal offence has been committed by any private individuals, the petitioner is at liberty to approach the Competent Police Authorities for the purpose of initiation of appropriate action in the manner known to law.

12. With the above liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

05-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



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To

The Tahsildar,
Taluk Office,
Puducherry-4.

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S.M.SUBRAMANIAM, J.

Svn

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