



W.P.No.17707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17707 of 2023

and

W.M.P.No.16806 of 2023

D.Ramakrishnan

...Petitioner

Vs

1.The District Registrar,
Chengalpattu District.

2.The Tahsildar,
Thirupporur.

3.The Sub Registrar,
Tirupporur,
Chengalpattu District.

4.Simon Ponraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 29.05.2023 consequently direct the respondents 1 to 3 not alienate the petitioner's property admeasuring 11797 sq.ft. of Plot Number 57 and 6880 sq.ft. of Plot Number 350 bearing in S.No.1395D in Thaiyur Revenue Village.



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For Petitioner : Mr.S.N.Subramani
For Respondents : Mr.G.Krishna Raja
Additional Government Pleader
for R1 to R3

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider the representation submitted by the writ petitioner on 29.05.2023 and consequently direct the respondents 1 to 3 not to alienate the petitioner's property admeasuring 11797 sq.ft. of Plot Number 57 and 6880 sq.ft. of Plot Number 350 bearing in S.No.1395D in Thaiyur Revenue Village.

2. The relief as such sought for in the present writ petition is absolutely misconceived. The competent revenue authorities or the registering authority have no power to issue any orders against the individuals not to alienate their property merely based on the representation submitted by the writ petitioner. The authorities have no right of adjudication of title, ownership or otherwise. In the event of any such dispute, the parties are to be relegated to the Civil Court for adjudication and to resolve the issues. Contrarily, the representation submitted by the



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petitioner cannot be disposed of by the authorities with reference to the relief sought for by him in the said representation. When the authorities have no power to issue such a direction to the private individual not to alienate the property, the High Court cannot issue a direction to consider such representations. Even a direction to consider the representation can be issued only if the relief sought for before the competent authorities are proper and they have such powers but not otherwise. The petitioner has to establish the right regarding the relief sought for in his representation.

3. Two aspects to be considered by the High Court while entertaining the writ petition, firstly, whether the petitioner has established his right or his rights are infringed. Secondly, if the authority against whom such a direction is sought for is empowered to grant such relief or not. In the absence of examining these aspects if any direction is issued, then the same would do no service to the cause of justice. Contrarily, the litigants are back again to the Court or before some other authority and are dragging on the issues based on some orders which would cause prejudice to the interest of the parties. Thus, the petitioner has to approach the competent Civil Court of law for the purpose of resolving the issues and certainly not through



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representations before the competent authorities.

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4. With the above observations, the Writ Petition stands disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/ No

Speaking order : Yes /No

Sgl

To

1.The District Registrar,
Chengalpattu District.

2.The Tahsildar,
Thirupporur.

3.The Sub Registrar,
Tirupporur,
Chengalpattu District.



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S.M.SUBRAMANIAM, J.

Sgl

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