



W.P.No.3202 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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M.Chinnathai

.. Petitioner

Vs

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

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Viruthachalam,
Cuddalore District.

3.The Tashildar,
O/o. The Tahsildar,
Veppur Taluk,
Cuddalore District.

4.The Sub Registrar,
O/o. The Sub Registrar,
Veppur Taluk,
Cuddalore District.

5.P.Vijaya
6.S.Kolanjiammal

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to take action as against the respondents 5 and 6 and cancel the illegal documents vide Settlement deed dated 8.1.2004 and sale deed dated 18.9.2017 on the file of the fourth respondent based upon the petitioner's representation dated 27.8.2019.

For the Petitioner : Mr.S.Kumara Devan

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 4

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing respondents 1 to 3 to take action against respondents 5 and 6 and to cancel the documents, namely, settlement deed dated 8.1.2004 and the sale deed dated 18.9.2017, on the file of the fourth respondent by considering the representation of the petitioner dated 27.8.2019.

2. The case of the petitioner is that the third respondent had



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issued a conditional allotment order allotting a vacant land to the extent of 0.01 acres situated in house Plot No.12 in Survey No.51/11 of Sirunesalur Village in favour of the petitioner. Similarly, the fifth respondent was given allotment order in respect of Plot No.11 and one Periyasamy Aasari got allotment order for house Plot No.13 in Survey No.51/8. In the year 2017, the petitioner came to know that the fifth respondent had purchased Plot No.13 allotted to Periyasami Aasari. When the petitioner questioned Periyasamy Aasari and the fifth respondent about the illegal alienation, they did not reply properly.

3. Further case of the petitioner is that Periyasamy Aasari, without obtaining permission from the revenue authorities, had executed a settlement deed on 8.1.2004 in favour of his daughter, the sixth respondent herein in respect of Plot No.13, who in turn sold the same to the fifth respondent under a registered sale deed dated 18.9.2017 on the file of the fourth respondent.

4. According to the petitioner, the fourth respondent, without verifying the documents presented before him for registration, has



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mechanically registered the said documents. In this regard, on 7.6.2018, the petitioner made a complaint to the second respondent and the second respondent, without conducting enquiry, simply transferred the complaint to the third respondent for initiating proceedings against the fifth respondent. However, till date no action has been taken by the third respondent.

5. The main grievance of the petitioner is that the fifth respondent is preventing the petitioner from using the common pathway that exists in between Survey No.51/11 and 51/8. The petitioner has sent several representations to the respondent authorities and the last representation of the petitioner is dated 27.8.2019. Since the said representation did not evoke any response, the petitioner has filed the present writ petition.

6. Originally, the writ petition was listed before the learned Single Judge. By the order dated 11.2.2020, the learned Single Judge of this Court directed the Registry to place the matter before a Division Bench allocated with the subject "Public Interest Litigation" as per the



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7. On a thorough reading of the averments set out in the affidavit filed in support of the writ petition, it is clear that there exists dispute between the petitioner and the fifth respondent qua pathway in between Survey Nos.51/11 and 51/8 and the said dispute cannot be decided invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. That apart, the prayer regarding cancellation of registered documents cannot also be decided by this court. The entire controversy involved does not have a semblance of public interest and it is purely a private right, which the petitioner is claiming as against the private respondents.

8. In such view of the matter, the present writ petition is dismissed. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
06.08.2024

Index : Yes/No
NC : Yes/No
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