



W.P.No.5802 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.5802 of 2024

Dayalan

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Thiruvallur District.

2. The District Revenue Officer,
Thiruvallur District.

3. Saraswathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to dispose of the petitioners representation dated 02.01.2023 seeking to identify the property with the assistance of District surveyor in an extent of 462 sq.ft comprised in S.No. 56/11 situated at Mel Nallathur Village, Thiruvallur District.



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For Petitioner : Mr.K.Karunakaran
For R1 & R2 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 and 2 to dispose of the petitioners representation dated 02.01.2023 seeking to identify the property with the assistance of District surveyor, an extent of 462 sq.ft comprised in S.No. 56/11 situated at Mel Nallathur Village, Thiruvallur District.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since no adverse order is passed against the private respondent, notice to the private respondent/R3 is dispensed with.

4. Learned counsel for the petitioner submitted that petitioner's



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grand father executed a registered Will dated 09.06.1989 and bequeathed 1 ½ cents land in S.No.56/12 in favour of the petitioner. Subsequently, the third respondent purchased 462 Sq.ft of land comprised in S.No. 56/12 by mentioning wrong boundaries by way of sale deed dated 24.01.2011. Hence the petitioner made representation before the first respondent to measure the subject property. Since there is no response from the official respondents till date, the petitioner has filed the present writ petition.

5. The petitioner himself admitted that the third respondent has purchased the subject property subsequently. It is seen that there is a title dispute pending between the petitioner and the third respondent which requires oral and documentary evidence and the same cannot be decided in the writ petition. Since the right, title and interest of the parties are involved in the subject matter, the petitioner is at liberty to workout his remedy before the Civil Court.

6. With the abovesaid direction, the Writ Petition is disposed of.



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There shall be no order as to costs.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District Collector,
Office of the Collectorate,
Thiruvallur District.
2. The District Revenue Officer,
Thiruvallur District.



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P.VELMURUGAN, J.

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