



WEB COPY

W.P.No.13247 of 2024
and W.M.P.Nos.14388 & 14389 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.13247 of 2024
and W.M.P.Nos.14388 & 14389 of 2024

1.Kannammal
2.Saravanammal
3.Arumugam
4.Mahanandhi

...

Petitioners

versus

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The District Revenue Officer,
Krishnagiri District, Krishnagiri.

3.The Revenue Divisional Officer,
Hosur, Krishnagiri District.

4.The Tahsildar,
Anchetty Taluk, Krishnagiri District.

5.The Inspector of Police,
Anchetty Police Station,
Anchetty, Krishnagiri District

(R-5 - amended as per the order of this Court made in
W.M.P.No.14797/2024 in W.P.No.13247/2024 dated 15.05.2024)



6.R.Muniyammal

7.Meena

8.Manickammal

9.M.Muniyammal

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent *vide* order of summons vide Na.Ka.482/2019/A2 dated 29.04.2024 and to quash the same and to consequently directing the 4th and 5th respondents to maintain the status quo of the proceedings of them.

For Petitioners	:	Mr.R.Balaguruswamy
For Respondent Nos.1 to 4	:	Mr.P.Sathish Additional Government Pleader
For Respondent No.5	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

The Writ Petition is filed challenging the summons issued by the Tahsildar.

2. The grievance of the petitioner is that in W.P.No.7566 of 2024 this Court directed the Inspector of Police to enquire the complaint after giving an opportunity and pass an order. However, the Tahsildar issued summons to the petitioner.



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3. On perusal of the entire order, in this regard, from the factual aspects, it appears that there is a dispute between the legal heirs in respect of the entry in the revenue records. The property was owned by one Perumal Gounder. He had three sons, namely P.Konappan, P.Mariappan and P.Krishnan. During the submissions, when the Court posed various questions, it was the contention of the learned counsel for the writ petitioners that Konappan had sold his share by way of an unregistered sale deed in favour of Mariappan. Therefore, Mariappan is in the possession. Such being the position, Konappan legal heirs sought to include their names in the revenue records. Therefore, challenging the same, the writ petition is filed.

4. From the nature of the documents, particularly the revenue records it would indicate that the dispute is with regard to the shares of the parties.

5. In such view of the matter, instead of referring the revenue proceedings, let the parties approach the Civil Court to establish their rights.



Whatever orders are passed by the Revenue Authorities in this regard, will not bind on all the parties. The Civil Court, on such a suit being filed, decides the matter based on the parties rights.

6. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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N.SATHISH KUMAR, J.

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12.06.2024
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