



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.14940 of 2019
And
WMP Nos.14906 and 14907 of 2019**

1.Bageerathan
2.Thirumurugan

.. Petitioners

-VS-

1.The Tahsildar cum Executive Magistrate,
Taluk Office,
Oulgaret,
Puducherry.

2.Lakshmi Angappan

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of Certiorari, calling for the records of the first



respondent's order dated 06.03.2019 in reference No.2631/TOO/LG/E/2018/318 and quash the same as illegal.

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For Petitioners : Mr.D.Senthilkumaar
For Respondent-1 : Mr.A.Tamilvanan,
Additional Government Pleader
(Puducherry).
For Respondent-2 : Mr.P.R.Balasubramaniam

ORDER

The order of the first respondent-Tahsildar cum Executive Magistrate dated 06.03.2019, is sought to be quashed in the present writ proceedings.

2. The land grabbing complaint was registered by the second respondent against the petitioners with an allegation that the subject property belonged to the petitioners was grabbed by executing certain fake documents. The Tahsildar-cum-Executive Magistrate, as an Administrative Advisory Committee Chairman, adjudicated the issues and made certain factual findings and advised the parties to approach the appropriate Forum



or to file a criminal complaint, as the case may be.

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3. Mere such advise or suggestion given by the Tahsildar-cum-Executive Magistrate would provide no cause for the purpose of filing the present writ petition. Since the Tahsildar-cum-Executive Magistrate has not determined any issues relating to title or ownership of the subject property, the Tahsildar-cum-Executive Magistrate has not granted any positive relief to the parties by declaring the Sale Deed as null and void or otherwise. Thus the first respondent in the present writ petition has exercised his powers within the scope and ambit of his authority and there is no excess exercise of powers or grant of erroneous relief to the parties.

4. No doubt, the title of the subject property has to be declared only by the Competent Civil Court of Law. If any discrepancies in the registration of documents or receiving the records are identified, the Authorities are bound to relegate the parties to approach the Competent Forum or the Competent Civil Court of Law, as the case may be.

5. In the present case, the first respondent-Tahsildar-cum-



Executive Magistrate has advised the parties to approach the Competent Forum or the Competent Civil Court of Law, for the purpose of securing the appropriate relief.

6. That being the factum, this Court is not inclined to interfere with the order passed by the first respondent-Tahsildar cum Executive Magistrate dated 06.03.2019. The petitioners are at liberty to approach the Competent Forum or if any proceedings are already instituted by the second respondent to defend their case in the manner known to law.

7. With the above observations, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

08-01-2024

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



The Tahsildar cum Executive Magistrate,
Taluk Office,
Oulgaret,
Puducherry.

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S.M.SUBRAMANIAM, J.



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