



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20183 of 2020

and

W.M.P.No.24934 of 2020

S.Palayam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the District Collector,
Singaravelar Maligai,
Chennai -1.
- 2.The Tahsildar,
Purasaiwalkam,
Chennai – 7.
- 3.The Managing Director,
Chennai Metropolitan Water Supply & Sewerage
Board (CMWSSB),
1st Floor,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 28.



4.The Executive Director – Zone 5,
Chennai Metropolitan Water Supply & Sewerage
Department,
Anna Park Complex,
Rayapuram,
Chennai – 13.

5.The Executive Director – Division 60,
Chennai Metropolitan Water Supply & Sewerage Department,
Tambu Street,
Chennai – 1.

6.G.Kaliaperumal
7.G.Venkatesh
8.Jothi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to conduct necessary enquiry in to the petitioner representation dated 19.12.2020 with regard to the ownership of the landed property comprised in O.S.No.2997, purchased by his and the petitioner's three brothers *vide* registered Sale Deed document in Doc.No.03 of 1996 dated 03.01.1996 duly registered before the District Registration Office, North Madras, Chennai – 1 in R.S.No.3645/6 and later R.S.No.2997, previous R.S.No.3745/5 and present R.S.No.3745/9, C.C.No.5410, admeasuring 1542 Sq.ft or its thereabouts situate in New Nos.1/5 & 1/6, old Nos.1/28 & 2/28 situate at Varadarajulu street, formerly known as North Beach Road, Muthialpet, Chennai – 1 and submit a report before this Hon'ble Court, in order to unearth the land grab fraud being played by the respondent 6, 7 and 8.



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For Petitioner	: Mr.S.Arunkumar
For R1 and R2	: Mr.G.Ameedius Government Advocate
For R3 to R5	: No appearance
For R6 to R8	: Mr.R.Nareshkumar

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to conduct necessary enquiry, based on the representation dated 19.12.2020 with regard to the ownership of the landed property comprised in O.S.No.2997, purchased by the petitioner and his three brothers *vide* registered Sale Deed in Doc.No.3/1996 dated 03.01.1996.

2. The relief as such sought for in the present writ proceedings is not entertainable and the learned Counsels for the 6th to 8th respondents brought to the notice of this Court that a Civil Suit has already been instituted in O.S.No.4962 of 2017 on the file of the XVI Assistant City Civil Court, Chennai. Disputes of civil nature cannot be adjudicated in a writ proceedings. The petitioner seeks declaration of ownership of the landed property. The suit has already been instituted and pending. That being so, the petitioner is at liberty to workout his remedy in the manner known to law.



With these observations, the Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

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4.The Executive Director – Zone 5,
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