



W.P.(MD) No.5645 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.5645 of 2024

N.Ruban Devadhas

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

2.The Joint Commissioner,
HR&CE Department,
Suchindrum,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent nos.1 and 2 to remove the board erected in the property belonging to the petitioner in Survey No.214/1 of Thovalai Village & Taluk, Kanyakumari.



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For petitioner : Mr.A.S.Abul Kalaam Azad
for M/s.Spicy Law Firm

For respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner is before this Court for a Writ of Mandamus to direct the respondent nos.1 and 2 to remove the board erected in the property belonging to the petitioner in Survey No.214/1 of Thovalai Village & Taluk, Kanyakumari.

2. The petitioner claims that he had purchased the property from one M.Agasthialingam vide sale deed in Doc.No.791 of 2017 dated 11.09.2017.

3. In this connection, the learned counsel for the petitioner has drawn the attention to the information gathered by the petitioner under RTI from the General Information Officer cum Hear Quarters Deputy Tahsildar, Thevalai to state that the land in question purchased by the petitioner and the aforesaid land has been stated to be a land belonging to the petitioner's vendor namely, M.Agasthialingam.



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4. The learned counsel for the petitioner would also submit that the said Agasthialingam himself got the property under registered settlement deed registered as Doc.No.125 of 2015, dated 02.03.2015, which, in turn, is based on the partition between the members of the family and registered as document No. 1550 of 2013.

5. The learned counsel for the petitioner would also refer to the counter filed by the second respondent at page 7. It is submitted that the land in question fell in old survey no.2588 and has been subsequently re-classified as survey no. 214/1.

6. Having considered the submissions of the learned counsel for the petitioner and the learned Special Government Pleader for the respondents, I am of the view that there are several disputed question of facts, which cannot be decided in a summary proceedings under Article 226 of the Constitution of India. It is for the petitioner to approach the jurisdictional civil Court for suitable remedy against the respondents.



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Therefore, this Writ Petition is closed with a liberty to the petitioner to approach the civil Court. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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