

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2015

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.613 of 2015

and

M.P.No.1 of 2015

S.Aravindh Kumar
Represented by his Power Agent
Sugumaran

...Appellant

Vs.

The District Collector
Thiruvarur
Collectorate at Vilamal,
Tiruvarur Taluk and Munsif

...Respondent

Prayer:- Appeal under Section 100 of the Civil Procedure Code, against the judgment and decree dated 30.03.2015 and made in A.S.No.19 of 2013 on the file of the Sub-Court, Tiruvarur, confirming the judgment and decree dated 28.03.2013 and made in O.S.No.73 of 2011 on the file of the District Munsif, Tiruvarur.

For Appellant : Mr.B.Ramamoorthy

J U D G M E N T

The plaintiff, who lost his case before the Courts below, has come forward with the present second appeal.

2. The suit has been filed for the relief of declaration that the removal of suit survey number from the government records is illegal, improper and ultra vires; to declare that the plaintiff is the pattadar for the suit survey field; and to direct the defendant to restore the suit survey field to its original position in the Government records by way of mandatory injunction.

3. Both the Courts below have concurrently held that the plaintiff had to establish that his vendors had title over the suit property in R.S.No.53A/11. The plaintiff without establishing his

title, is trying to take benefit out of the change of survey number. The plaintiff ought to have filed the suit as provided under proviso to Section 14 of the Patta Pass Book Act for declaration of his rights under Specific Relief Act. While dismissing the suit, the lower appellate Court specifically had given a finding that instead of filing civil suit for changing the survey number, the plaintiff ought to have approached the revenue authorities for getting relief sought for.

4. At this point of time, the learned counsel appearing for the plaintiff / appellant seeks to withdraw the appeal with liberty to approach the revenue authorities for appropriate relief and he has also made an endorsement to that effect.

5. In view of the above, the Second Appeal is dismissed as withdrawn with liberty to the plaintiff to move the revenue authorities for appropriate relief as per law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge,
Thiruvarur.
2. The District Munsif,
Thiruvarur.

1 CC to Mr.B.Ramamoorthy, Advocate SR.No. 40867

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KSJ (CO)
PSI (21.08.2015)