



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.02.2015
CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition (MD)No.1204 of 2015

1.S.Rajasekaran
2.R.Thiyagrajan

... Petitioners

Vs.

1.Revenue Divisional Officer,
Periyakulam,
Theni District.

2.S.Ramaraj

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to terminate the impugned proceeding in Na.Ka.No.261/2013/A1 regarding the property situated at Survey No.2280 and 2281/1 of Thimmarasanaickanur Village and Survey No.488/1A & 489/2A of Aundipatty Village of Theni District as the question of title is pending in O.S.No.2 of 2012 on the file of District Court, Theni.

For Petitioner : Mr.B.Rajesh Saravanan

For 1st Respondent : Mr.S.Chandrasekar,
Government Advocate.

ORDER

The present writ petition has been filed to direct the first respondent to terminate the impugned proceeding in Na.Ka.No.261/2013/A1 regarding the property situated at Survey Nos.2280 and 2281/1, Thimmarasanaickanur Village and Survey Nos.488/1A and 489/2A of Andipatty Village, Theni District as the question of title is pending in O.S.No.2 of 2012 on the file of District Court, Theni.

2.The grievance of the petitioner is that when a civil suit is pending, the authority cannot decide title and therefore, the authority may without looking into the same, pass final orders in the proceedings.

3.At this stage, it is premature on the part of the petitioner in approaching this Court. However, as per the decision of this Court made in Vishwas Footwear Company Ltd., Vs. District Collector, reported in 2012 (1) MLJ 566, when there is a dispute regarding title, the authority cannot decide on the same and it has to be relegated to the Civil Court.

4.In such view of the matter, the competent authority shall consider the said aspect and pass appropriate orders on merits and in accordance with law, after giving notice to all the parties concerned.



5.The writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

\\True copy\\

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Sub Assistant Registrar

To

Revenue Divisional Officer, Periyakulam,
Theni District

+1cc to MR.B.RAJESH, ADVOCATE SR.NO.4818

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SMS

NA/18/02/2015/P2/3C