

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.7359 of 2014
& M.P.No.1 of 2014

1. V.S.Venkatachalam

2.P.S.Palanisamy

: Petitioners

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Tahsildar,
Tiruppur.

4.Kamalathal

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of certiorari to call for the records of the first respondent in his proceedings bearing No.Na.Ka.3302/2012/J1 dated 25.02.2014 and quash the same.

For Petitioner : Ms.P.T.Asha for
M/s Sarvabhauman Associates

For Respondents : Mr.M.S.Ramesh,
Addl. Government Pleader for R1 to R3

Mr.V.Anandhamoorthy for R4

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. This writ petition has been filed by the petitioners challenging the order passed by the first respondent, by which, revenue records were mutated by including the name of the fourth respondent as joint pattadar.

3. The learned counsel appearing for the petitioners submitted that despite the fact that the suit in O.S.No.209 of 2013 is pending on the file of Principal District Court, Thiruppur, in which, the fourth respondent herein is the plaintiff, the order impugned has been passed.

4. The learned counsel appearing for the fourth respondent submitted that the petitioner is asserting a claim based upon an unregistered deed.

5. The law is quite settled that a decision of the revenue authorities shall be subject to the jurisdiction of the Civil Court. In other words, the jurisdiction of the Civil Court has been invoked in this case and the Civil Court is dealing with the inter se dispute between the fourth respondent on the one hand and the petitioners on the other hand. Therefore, this Court cannot interfere with such dispute. Further, patta can never be construed as a document of title.

6. Accordingly, the writ petition stands disposed of by directing the Principal District Judge, Thiruppur, to dispose of the suit in O.S.No.209 of 2013 within a period of six months from the date of receipt of a copy of this order without reference to the impugned order passed by the first respondent. Liberty is given to the parties concerned to seek appropriate relief for inclusion of their names in the revenue records after disposal of the suit. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

raa

To

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Tiruppur.

3.The Tahsildar,
Tiruppur.

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+1 cc to Government Pleader sr.7247/16
+1 cc to M/S.Sarvabhauman Associates Advocate
sr.6717/16
+1 cc to Mr.V.AanandhaMurthy Advocate sr.6733/16

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