WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD).No.14823 of 2013
and
M.P.(MD).No.1 of 2013

R.Sumathi ... Petitioner

Vs

1.The District Revenue Officer,
Madurai District,
Madurai.

2.Mangaiyarkarasi

3.K.Sivalingam ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorari, calling for the records, relating to the proceedings of the Impugned Order in Na.Ka.No.24000/2006/G2, dated 12.10.2012, on the file of the 1st respondent and quash the same.

For petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.D.Srinivasaraghavan
For R3

Mr.T.Gunaseelan Muthiah
Additional Government Pleader
For R1

ORDER

This writ petition has been filed for issuance of writ of certiorari, calling for the records, relating to the proceedings of the Impugned Order in Na.Ka.No.24000/2006/G2, dated 12.10.2012, on the file of the 1st respondent and quash the same.

https://hcservices.ecourts.gov.in/hcservices/

2. Today when the matter is taken up, the learned counsel for the petitioner brought to the notice of this Court that

WEB COPY

already a civil Suit in O.S.No.305 of 2007, on the file of the learned District Munsif, Melur is pending for declaration of title of the property in question. The third respondent is also a party in the Suit. The said suit is at the stage of trial. In the meanwhile, by his impugned order, dated 12.10.2012, in Na.Ka.No.24000/2006/G2, the first respondent dismissed the revision preferred by the petitioner before him.

3. The only grievance of the petitioner is that since, the dispute regarding the title in respect of the suit property is seized of by a competent civil Court, the first respondent ought not to have enquired into the question of title of the property in question.

4. Heard the learned counsel appeared on either side.

5. Considering the above submissions, this Court is of the view that the civil court is the competent authority to decide the title. The parties will abide by the result to be given by the civil court. The learned District Munsif, Melur will independently consider the matter on merits and pass order in accordance with law, without being influenced by the observations made in the impugned order passed by the District Revenue Officer.

6. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

The District Revenue Officer,
Madurai District,
Madurai.

+One cc to M/s.G.Prabhu Rajadurai, Advocate, SR.No.13448

+One cc to M/s.D.Srinivasa Raghavan, Advocate, SR.No.13309

+One cc to The Special Government Pleader, SR.No.13544

PJL
RL/5C/2P/JGB/DP/29/3/2016

W.P(MD)No.14823 of 2013
and
M.P.(MD).No.1 of 2013

09.03.2016

https://hcservices.ecourts.gov.in/hcservices/