



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Writ Appeal (MD) No.239 of 2016

R.Perumal : Appellant/2nd Respondent
Vs.

1.Anandhakumar : 1st Respondent/Petitioner

2.The District Revenue Divisional Officer,
Trichy District,
Trichy. : 2nd Respondent/1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, against the order made in W.P.(MD) No.15867 of 2014 dated 23.04.2015 on the file of this Court.

Prayer in WP(MD). 15867/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari calling for the records culminated in the proceedings Na.Ka.No.B6/1544/2014 dated 28.8.2014 on the file of the 1st respondent and quash the same as illegal, unenforceable, ultravires without authority without jurisdiction .

For Appellant : Mr.T.Lajapathy Roy

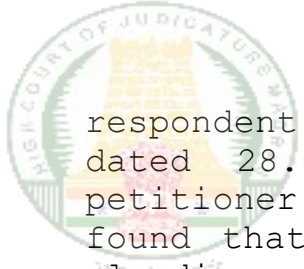
For Respondents : Mr.K.S.Sankar Murali for R1
Mr.S.Chandrasekar, G.A. For R2

JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.T.Lajapathy Roy, learned counsel appearing for the appellant and Mr.K.S.Sankar Murali, learned counsel appearing for the first respondent and Mr.S.Chandrasekar, learned Government Advocate appearing for the second respondent.

2.This Writ appeal is directed against the order dated 23.04.2015 in W.P.(MD) No.15867 of 2014. The first respondent herein was the writ petitioner and he sought for issuance of a writ of certiorari, to quash the notice issued by the second



respondent herein, the District Revenue Divisional Officer, Trichy dated 28.08.2014, directing the first respondent herein/writ petitioner to appear for an enquiry. The learned Single Judge found that on the basis of documentary evidence as well as the pleadings of the first respondent, he approached the authority in the year 2009 and the transaction had taken place in the year 1953 and he appears to be the fourth purchaser and after having approached the authority after more than 50 years cannot agitate ownership of the land at that point of time, after referring the decision of this Court in the case in **Amsaveni Vs. The District Revenue Officer, Madurai reported in 2014(3) CTC 785**, directed to set aside the notice issued by the second respondent and giving liberty to the appellant to take appropriate steps to confirm the title before the competent civil Court .

3.From the facts placed before this Court, we find that there are civil litigations, which ended in a finality in the year 1967 in S.A.No.432 of 1963. The specific case of the writ petitioner is that the appellant was not in possession of the property for more than 40 years. Thus, considering the facts and circumstances, the learned Single Judge was right in directing the appellant to approach the Civil Court and we find no error in the order passed in the writ petition.

4.Accordingly, the writ appeal fails and the same is dismissed. However, it is open to the appellant to approach the civil Court for necessary relief and in the event of doing so, all points raised by the appellant can be canvassed before the civil Court and the Civil proceedings shall be decided based on the oral and documentary evidence placed before it without in any manner being influenced by the observations made in this Judgment. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The District Revenue Divisional Officer,
Trichy District,
Trichy.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.52501

+1cc to Mr.K.S.SHANGAR MURALI Advocate in SR. No.52461

+1cc to Mr.T.LAJAPATHI ROY Advocate in SR. No.52328

ARUL/DSK

JS/MR/2.05.2017/2P-5C