



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A[MD].No.1132 of 2016
and
C.M.P. (MD) .Nos.6989 and 6990 of 2016

S.Rathnasababathy

: Appellant/Petitioner

Vs.

1. The District Revenue Officer,
Pudukottai District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai District.
3. The Tahsildar,
Thirumayam,
Pudukottai District.
4. The Regional Deputy Tahsildar,
Arimalam,
Thirumayam Taluk,
Pudukottai District.

- 5.S.Pandidurai
- 6.S.Palaniyandi
- 7.S.Subramanian

: Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, against the order of this Court dated 31.07.2015 passed in W.P. (MD).No.20653 of 2014.

Prayer in WP(MD). 20653/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned Order of the 1st Respondent dated 22.11.2014 by its proceedings in Na.Ka. 46072/2009/T3 in respect of the property comprised in Survey No. 179/4 at Panangudi Village and to quash the same.



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For Appellant : Mrs.S.Vijayashanthi
For R1 to R4 : Mr.C.Marichelliah Prabhu
Additional Government Pleader
For R5 to R7 : Mr.V.Sitharanjandas

JUDGEMENT

[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

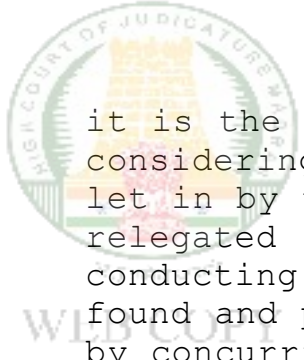
The appellant is the writ petitioner. He is aggrieved against the order passed in W.P.(MD).No.20653 of 2014, dated 31.07.2015, in dismissing the same, however by granting liberty to the writ petitioner to agitate his claim before the competent Civil Court to sustain his case and also with further direction that the parties concerned shall not encumber the property in question, till the competent Civil Court decide the dispute.

2.Heard Mrs.S.Vijayashanthi, learned counsel appearing for the appellant and Mr.C.Marichelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.V.Sitharanjandas, learned counsel appearing for the respondents 5 to 7.

3.Arising out of the patta proceedings, the matter culminated into filing of the present writ appeal by the writ petitioner. It is seen that the patta originally stood in the name of the writ petitioner, was subsequently cancelled and granted in favour of the respondents 5 to 7. Challenging the said cancellation of patta, the petitioner went on appeal and further revision before the competent authorities. The Competent Authority of the Revenue Department, in respect of patta proceedings viz., the first respondent herein passed the impugned order on 22.11.2014 by directing the parties to agitate the matter before the competent Civil Court after finding that there is a title dispute between the parties.

4.When the said order was challenged before the writ Court, the learned Judge, after elaborately considering the facts and circumstances as well as the rival contentions raised by both the parties, found that there is a serious title dispute between the parties and therefore, the Revenue Authorities cannot entertain the claim of either party for mutation of the revenue records. Though, the learned counsel for the appellant sought to rely upon certain documents in support of the claim of the writ petitioner

<https://hcservices.courts.gov.in/hcsef/vices/> the title to the property, we are not inclined to examine those documents, since we are not going to decide the title of the parties over the subject matter of the property, as



it is the role of the competent Civil Court to do the same, after considering the rival pleadings of the parties and the evidence let in by them. Needless to state that the title dispute has to be relegated only to the civil Court to be adjudicated upon after conducting proper trial. That is what the first respondent has found and passed the impugned order. The learned Single Judge also by concurring with the view of the first respondent, dismissed the writ petition by specifically giving an independent finding that there is a title dispute between the parties and therefore, they have to be relegated to the Civil Court to work out proper remedy in the manner known to law. When such factual findings are rendered, we are not inclined to interfere with such findings in this writ appeal more particularly when the interest of both the parties are protected by the writ Court by specifically making a direction not to encumber the property in question till the competent Civil Court decide the dispute. Such observation/direction would certainly take care of the interest of both parties during the pendency of the suit as well. Therefore, we find no merits to interfere with the order of the learned Single Judge.

5. However, as the order of the learned Single Judge was passed on 31.07.2015 and the writ appeal is pending all along, liberty is given to the petitioner to file proper civil suit before the competent Civil Court within a period of four weeks from the date of receipt of a copy of this order. If any such suit is filed, the concerned Civil Court will consider the matter on merits and in accordance with law, however without going into the question of limitation, owing to the factum of pendency of the proceedings before this Court. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Pudukottai District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai District.
3. The Tahsildar,
Pudukottai District.



4. The Regional Deputy Tahsildar,
Arimalam,
Thirumayam Taluk,
Pudukottai District.

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+ 1 cc TO Mrs.S.Vijaya Shanthi , Advocate in SR No. 68126
+ 1 cc TO Mr.V.Sitharanjandas , Advocate in SR No. 68043

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AE/SV MMS/SAR1/27.06.2018/4P/7C

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and
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