



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD]No.642 of 2019

and

C.M.P.[MD]Nos.5349 & 5350 of 2019

A.Mohana Krishnan

: Appellant

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Collectorate,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi, Tirunelveli District.

3.The Tahsildar,
Senkottai Taluk,
Senkottai,
Tirunelveli District.

4.C.Leela

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order in W.P.No.19134 of 2018, dated 04.09.2018 on the file of this Court.

Prayer in WP(MD). 19134/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, pertaining to the impugned order Na.Ka.No.A4.3572/2016, dated 30.01.2017, passed by the 2nd respondent and Pa.Mu/6311(Ka2) U.D.R.14/2017, dated 18.06.2018, passed by the 1st respondent and quash both the orders as void and illegal and thereby directing the respondents 1 to 3 to keep the patta No.1654 in the name of this petitioner, for the 21 cents (0.08.50 Aer) in S.No.74/5 in Vallam, revenue Village, in Shenkottai Taluk, in Tirunelveli - District.



For Appellant : Mr.F.X.Eugene
For Respondents 1 to 3 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent No.4 : Mr.P.Thiyagarajan

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JUDGMENT

**[Judgment of the Court was delivered by
The Hon'ble Acting Chief Justice]**

The present Writ Appeal has been filed by the writ petitioner Mr.A.Mohana Krishnan, aggrieved by the order of the learned Single Judge dated 04.09.2018, whereby the learned Single Judge dismissed the writ petition in W.P.[MD]No.19134 of 2018, relegating the petitioner to approach the competent Civil Court and the writ jurisdiction was not found to be appropriate remedy in the circumstances of the case because the rival parties, the petitioner Mr.A.Mohana Krishnan and the fourth respondent Mrs.C.Leela, were claiming rival claims over the same land in question situated at Survey No.74/5 in Vallam, Revenue Village, Shenkottai Taluk, Tirunelveli District of the State of Tamil Nadu, measuring 21 cents (0.08.50 Aer). The observation of the learned Single Judge in the order impugned before us is quoted below:

"3.According to the learned Counsel for the petitioner, because of the influence exercised by an I.A.S. Officer, the second respondent and the first respondent have passed orders to the detriment of the petitioner's interest and in favour of the fourth respondent. This Court is unable to appreciate such an argument since both the second respondent and first respondent have passed detailed orders, after adverting to various materials, in favour of the fourth respondent and against the petitioner.

4.Instead of approaching the competent Civil Court, the petitioner has chosen to approach this Court by invoking its special jurisdiction under Article 226 of the Constitution of India. Since such an issue involves an adjudication of factual disputes as between the private parties, which obviously cannot be done in a writ jurisdiction, this Court is of the considered view that the writ petition, as it is, is not maintainable and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

2.Having heard the learned Counsel for the parties, we find that there is no error in the impugned order of the learned Single Judge and in view of such rival claim about the title of the



property in question and change of names in patta in the revenue records, the learned Single Judge, in our opinion, has rightly held that appropriate remedy in such cases is filing of the civil suits and getting the declaration of title decreed and not invoking the writ jurisdiction.

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3. Therefore, with the aforesaid liberty already given to the parties in the matter, we dispose of the writ appeal without interfering with the order passed by the learned Single Judge. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

MR/MPK

To

1. The District Revenue Officer,
Tirunelveli District,
Collectorate,
Tirunelveli.

2. The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.

3. The Tahsildar,
Senkottai Taluk,
Senkottai,
Tirunelveli District.

+1CC TO MR.P.THIAAGARAJAN, Advocate Sr. No.96837

+1CC TO MR.F.X.EUGENE, Advocate Sr. No. 96414

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.96688

JUDGMENT MADE IN

W.A.[MD]No.642 of 2019

Dated: 06.11.2019

KG (CO)

TR(25.11.2019) 3P 7C