



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos. 9488, 9490 and 9517 of 2016

and

W.M.P. (MD) Nos. 7547, 7548, 7549, 7550, 7551, 7552, 7569, 7570 and 7571 of 2016

and

W.M.P. (MD) Nos. 3480 and 3483 of 2018

R.Prakash ... Petitioner in W.P. (MD) No. 9488 of 2016
A.R.Akbar Basha ... Petitioner in W.P. (MD) No. 9490 of 2016
D.Santhi ... Petitioner in W.P. (MD) No. 9517 of 2016

Vs

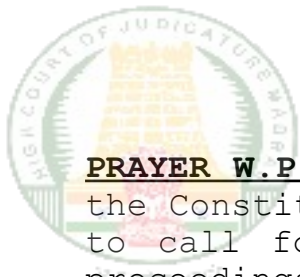
1. District Revenue Officer,
Tiruchirappalli District.

2. The Revenue Divisional Officer,
Tiruchirappalli District.

3. S.Arumugam ... Respondents in all writ petitions

PRAYER W.P. (MD) No. 9488 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in its impugned proceedings in Na.Ka.Aa6/3633/2015 dated 15.04.2016 and quash the same and consequently forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property admeasuring 3 ½ cents of land situated at S.F.No.67/2 and 67/4, Puthur Village, Woraiyur, Sub-Registration District, Tiruchirappalli District.

PRAYER W.P. (MD) No. 9490 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in its impugned proceedings in Na.Ka.Aa6/3633/2015 dated 15.04.2016 and quash the same and consequently forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property admeasuring 4 ½ cents of land situated at S.F.No.67/2 and 67/4, Puthur Village, Woraiyur, Sub-Registration District, Tiruchirappalli District.



PRAYER W.P. (MD) No. 9517 of 2016: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in its impugned proceedings in Na.Ka.Aa6/3633/2015 dated 15.04.2016 and quash the same and consequently forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property admeasuring 5½ cents comprised in Ayan Nanjai S.F.No.66/4, Woraiyur, Sub-Registration District, Tiruchirappalli District.

For Petitioner: Mr.J.Maria Roseline

For R1 and R2 : Mr.M.Karuppasamy
Government Advocate

For R3 : Mr.P.R.Prithiviraj
(in all writ petitions)

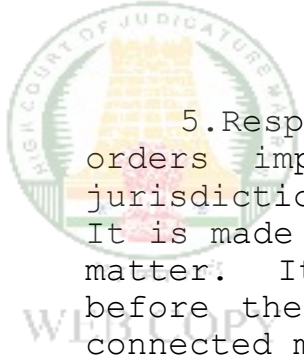
ORDER

Heard the learned counsel on either side.

2. There is a pending civil dispute between the writ petitioners on the one hand and the third respondent Arumugam on the other. The writ petitioners, Prakash and Akbar Basha filed O.S.Nos.274 and 169 of 2014 respectively and they are presently pending on the file of the District Munsif Court, Trichy. It is stated that an order of interim injunction was granted in their favour. After suffering an order of interim injunction, Arumugam appears to have moved the Revenue Divisional Officer, Trichy. The Revenue Divisional Officer, Trichy, by order dated 09.01.2015 not only allowed his petition but also treated the writ petitioners herein as encroachers and directed their eviction. Questioning the same, the writ petitioners filed revision petitions before the District Revenue Officer, Trichy. The Revisional Authority by order dated 15.04.2016 dismissed their revision petitions. Questioning the same these writ petitions have been filed.

3. When there is a title dispute between the writ petitioners on one hand and the third respondent representing a temple on the other and the Civil Court is seized of the matter, the Revenue authority ought not to have interfered in the matter at all.

4. The Hon'ble Division Bench of this Court in the decision reported in **2011 (5) CTC 94** in the case of **Vishwas Footwear Company Ltd., Vs The District Collector, Kancheepuram and others**, held that "the revenue authority has no jurisdiction to go into the disputed question of title".



5. Respectfully following the said decision, I hold that the orders impugned in these writ petitions suffer from lack of jurisdiction. They are quashed. These writ petitions are allowed. It is made clear that this Court has not gone into the merits of the matter. It is for the respective parties to establish their rights before the jurisdictional Civil Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The District Revenue Officer,
Tiruchirappalli District.

2. The Revenue Divisional Officer,
Tiruchirappalli District.

+1 CC to M/s. J. MARIA ROSELINE, Advocate (SR-58656[F] dated 03/04/2019)
+1 CC to M/s. SPL GP (SR-58938, 58937, 58936[F] dated 04/04/2019)
+1 CC to M/s. P. R. PRITHIVIRAJ, Advocate (SR-59401[F] dated 05/04/2019)
+3 CC to M/s. A. AZHAGESON, Advocate
(SR-59448, 59447, 59446[F] dated 05/04/2019)

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ES/DS/26.04.2019/3P/9C