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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.12.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.S. SUNDAR
W.P.(MD).No.3405 of 2016
and W.M.P.(MD).No.3004 of 2016

B.Rajkumar .. Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

4.O.Chokkanathan .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorari, calling for the record pertaining to the order passed by the 1st respondent in N.K.B1/5427/14, dated 14.01.2016, quash the same and consequently, quash the order passed by 2nd respondent in P.M.(A3)6999/2010, dated 28.02.2014.

For Petitioner : Mr.N.Tamil Mani
For Respondents: Mr.A.Muthu Karuppan
Additional Government Pleader for R1 to R3
Mr.S.Viswalingam for R4

ORDER

This writ petition has been filed for the issuance of writ of Certiorari, calling for the record pertaining to the order passed by the 1st respondent in N.K.B1/5427/14, dated 14.01.2016, quash the same and consequently, quash the order passed by 2nd respondent in P.M.(A3)6999/2010, dated 28.02.2014.

2.The petitioner claims ownership over certain lands based on the registered sale deed, dated 02.11.2009 and patta which was earlier cancelled by the second respondent. Thereafter, the writ petitioner filed a revision petition before the first respondent. The first respondent also by impugned order, dated 14.01.2016 confirmed the order of second respondent.

3.The learned Additional Government Pleader appearing for the respondents relying upon the counter affidavit submitted that the petitioner's right, title and interest has been finally decided by

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the civil court in the suit filed by the temple in O.S.No.134 of 1999. It is also admitted before this Court that the first appeal filed by the petitioner in A.S.No.67 of 2001 was dismissed by the judgment and decree of Additional District Court, Sivagangai. Though the appeal suit has been dismissed, the petitioner has not challenged the same by way of second appeal. However, without challenging the civil court's decree, it appears that the petitioner has come forward with the present writ petition. It is well settled that the revenue authorities cannot go behind the civil court's decree, as the civil court alone is competent to decide the title or enjoyment of any one.

4.In the said circumstances, giving liberty to the petitioner to pursue his right to file the second appeal, this writ petition is dismissed as devoid of any merits. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3.The Tahsildar,
Manamadurai Taluk,
Manamadurai,Sivagangai District.

+1 CC to M/s.M/S.S.VISVALINGAM, Advocate (SR-105164[F]
+1 CC to M/s.N.TAMILMANI, Advocate (SR-105269[F] dated 17/12/2019)
+1 CC to M/s.SPL.GP (SR-105302[F] dated 17/12/2019)

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16.12.2019

SMA/09/01/2020/2P/7C

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