



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.03.2020
C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

WEB COPY

W.P. (MD) No.4562 of 2020
and
W.M.P. (MD) No.3904 of 2020

1.R.Shanmugam
2.R.Radhakrishnan
3.Devaki ... Petitioners

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

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

3.The Regional / Deputy Tahsildar,
Karaikudi Taluk, Sakkottai, Sivagangai District.

4.M.Navaneetham
5.M.Senthil ... Respondents

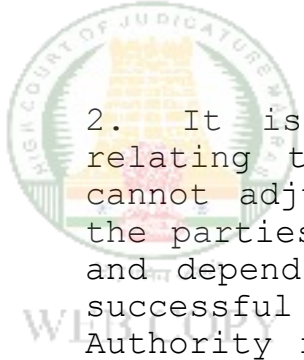
PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the third respondent bearing R.T.R.No.06/F283/2002 dated 04.03.2002 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondent Nos.1 to 3 to mutate the petitioners' name in the patta for the land having extent of 5280 sq.ft. Situated at Town Survey No.392 part at Door No.15, Kandanoor Road, Keela Theru, Arunthathiyar Veedhi, Karaikudi, Sivagangai District.

For Petitioners: Mr.R.Shankar Ganesh

For R1 to R3 : Mr.R.Murugan
Additional Government Pleader

ORDER

The Petitioner challenges the order in R.T.R.No.06/F283/2002 dated 04.03.2002 passed by the Third Respondent granting patta in favour of the Fourth Respondent and has sought for a consequential direction to enter his name in the Revenue Records as owner of the property in Survey No.392 part at Door No.15, Kandanoor Road, Keela Theru, Arunthathiyar Veedhi, Karaikudi, Sivagangai District.



2. It is settled legal position that where there is dispute relating to the title to the property, the Revenue Authorities cannot adjudicate the same and would have to necessarily relegate the parties to the jurisdictional Civil Court for its determination and depending upon its ultimate outcome, it would be open to the successful party to thereafter apply to the concerned Revenue Authority for mutation of records relating to that property in his favour. When the same was pointed out, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is needless to clarify here that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner and that while adjudicating the rival claims, the Civil Court shall not be influenced or inhibited by the past entries made in the revenue records in favour of either of the parties and the question of ownership of the property shall be independently determined on merits considering the evidence adduced by the contesting parties in accordance with law. That apart, in view of the doctrine of *lis pendens* incorporated in Section 52 of the Transfer of Property Act, 1882, none of the parties to the suit shall alienate or create any form of encumbrances or third party interest or part with possession or alter the physical features of the property, without the prior permission of the Civil Court during its pendency. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
Sivagangai District, Sivagangai.

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

3.The Regional / Deputy Tahsildar,
Karaikudi Taluk, Sakkottai, Sivagangai District.

+1 CC to M/s.Special Govt.Pleader (SR-10004[F] dated 04/03/2020)

W.P. (MD) No.4562 of 2020
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