



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.A(MD)No.422 of 2020**  
**and**  
**CMP(MD)No.2888 of 2020**

R.Gurulakshmi ... Appellant / petitioner

Vs.

1.The District Revenue Officer,  
Sivagangai District.

2.The Tahsildar,  
Sivagangai Taluk,  
Sivagangai District.

3.S.Mathavaan ... Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the impugned order dated 11.02.2020 made in W.P.No.17813 of 2018 on the file of this Court.

|                             |                                                   |
|-----------------------------|---------------------------------------------------|
| For Appellant               | : Mrs.K.R.Shivashankari                           |
| For Respondent<br>Nos.1 & 2 | : Mr. R.Sethuraman,<br>Special Government Pleader |
| For R3                      | : M/s.T.Lajapathi Roy                             |

**JUDGMENT**

[JUDGMENT OF THE COURT WAS DELIVERED  
**BY B.PUGALENDHI., J,]**

This writ appeal is filed as against the order passed by the writ court in W.P.(MD)No.17813 of 2018 dated 11.02.2020, wherein, this Court dismissed the writ petition with liberty to the petitioner to establish her right or title before the appropriate forum on the ground that the disputed question of fact cannot be adjudicated in the writ proceedings.



2. Heard the learned Counsel on either side and perused the materials placed on record.

3. The writ petition in W.P.(MD)No.17813 of 2018 was filed as against the order of the District Revenue Officer, Sivagangai District in Pa.Mu.Pi.4/27066/2015, dated 14.06.2018 insofar as the Survey No.235 /1 measuring 41 ½ cents of the petitioner that she purchased the same by a registered document from the legal heirs one Natarajan. The said Natarajan is said to have purchased the land from one Rathinam son of Velu Servai. The land in survey No.235/1 originally belonged to one Velu Servai, S/o.Karuppasamy ancestrally and the said Velu Servai was having eight sons and there was a partition among the eight legal heirs on 06.02.1980 and as per the partition deed the property was divided among legal heirs equally. One of the legal heirs Rathinam, S/O.Velu Servai was allotted F-schedule in the said partition deed dated 06.02.1980 and he sold his 41 ½ cents to one Natarajan by way of a sale deed in the year 1982. The said Natarajan sold the land through his power agent to the appellant herein. The first respondent District Revenue Officer has passed an order after hearing all the stake holders and also after obtaining reports from the Assistant Director. The Assistant Director has filed a report before the District Revenue Officer that the sub division was contrary to the partition deed dated 06.02.1980 and the appellant's vendor has sold 41 cents, instead of 21½ cents apart from the partition. The writ Court has observed that the partition deed dated 06.02.1980 was not placed before the Court to ascertain the appellant's predecessors' share on the property and therefore, the writ Court has rightly held that the disputed questions cannot be adjudicated in the writ jurisdiction and can be decided only by establishing her right or title before the appropriate forum.

4. We do not find any reason to interfere with the orders of the writ Court. Accordingly, this writ appeal is dismissed with liberty to the appellant to work out her remedy by establishing her right before the appropriate forum. Consequently, connected miscellaneous petition is closed.

Sd/-

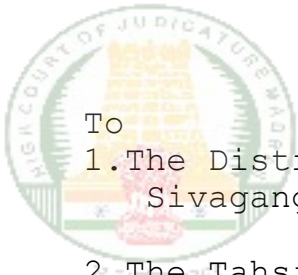
Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

1.The District Revenue Officer,  
Sivagangai District.

2.The Tahsildar,  
Sivagangai Taluk,  
Sivagangai District.

+1 CC to M/s.S.SRINIVASARAGAVAN, Advocate ( SR-12561[F] dated  
19/03/2020 )

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-12612[F] dated  
20/03/2020 )

Order made in  
**W.A(MD) No. 422 of 2020**  
19.03.2020

**AP(01/06/2020) 3P 5C**