



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

WEB COPY

W.P. (MD)No.22101 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

V.Raju

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep by The District Revenue Officer,
Tiruchirappalli.

2.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.

3.G.Perumal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the order of the First Respondent in Na.Ka.No.AA5/24907/2014 dated 20.10.2015 and quash the same and pleased to direct the First Respondent to consider the Petitioner's Representation dated 16.11.2012 for patta as per Rule 31 Sub Clause 7 of Revenue Standing Order and pass necessary orders within the time frame fixed by this Court.

For Petitioner : Mr. R.S. Sivaram

For Respondents 1 & 2 : Mr. Aayiram K.Selvakumar
Additional Government Pleader

For Respondent 3 : Mr. G. Mathavan

ORDER

Heard Mr. R.S. Sivaram, Learned Counsel for the Petitioner, Mr.Aayiram K.Selvakumar, Learned Additional Government Pleader appearing for the First and Second Respondents and Mr.G.Mathavan, Learned Counsel for the Third Respondent and perused the materials available on record apart from the pleadings of the parties.

2. The Petitioner is aggrieved by the refusal of the First Respondent to mutate the name of the Petitioner in the revenue records of the property claimed to be in his possession. It is also borne out from the proceedings of the revenue authorities that the Third Respondent has made a rival claim to the property. It is now



settled legal position as held by the Division Bench of this Court in **Kuppuswamy Nainar vs. The District Revenue Officer** [(1995) 1 MLJ 426], which has been reiterated by another Division Bench in **Vishwas Footwear Company Ltd., vs. The District Collector, Kancheepuram** [2011 (5) CTC 94] that where there is a dispute relating to the title of the property, the Revenue Authorities cannot adjudicate upon the same and would have to necessarily relegate the parties to the jurisdictional Civil Court for determination in that regard and depending upon its ultimate outcome, it would be open to the successful party to thereafter to apply before the concerned Revenue Authorities for mutation of records relating to the property in his favour. In view of the dictum laid down by the Hon'ble Supreme Court in **Muddasani Venkata v. Muddasani Venkata Sarojana** [(2016) 12 SCC 288] that entry of possession in some Revenue Records simpliciter does not give any right to retain possession of the property, the Civil Court shall not be influenced or inhibited by the past entries made in the records in favour of either of the parties, and the question of the ownership of the property would have to be independently decided on merits considering the pleadings and 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 that suit shall alienate or create any form of encumbrances or third party interests or part with possession or alter the physical features of the property, without the prior permission of the Civil Court during its pendency. Though obvious, it is clarified that no view has been expressed by this Court on the correctness or entitlement on the merits of the divergent claims (for title and possession) made by the Petitioner and the Third Respondent.

3. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/sj

To

1.The District Revenue Officer,
Tiruchirappalli.



W.P.(MD)No. 22101 of 2015

2.The Tahsildar,
Manachanallur Taluk,
Tiruchirappalli District.

+1 CC to M/s.R.S.SIVARAM, Advocate (SR-10121[F] dated 05/03/2020)

+1 CC to M/s.SPL.GP (SR-10329[F] dated 06/03/2020)

+1 CC to M/s.G.MATHAVAN, Advocate (SR-10380[F] dated 06/03/2020)

W.P. (MD) No.22101 of 2015
05.03.2020

sj

KK/14.05.2020/ 3P- 6C