



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU**W.P. (MD) No.22249 of 2015****and****M.P. (MD) No.1 of 2015**

P.Ganapathy

... Petitioner

Vs.

- 1.The District Revenue Officer,
Karur District,
Karur.
- 2.The Revenue Divisional Officer,
Kulithalai,
Karur District.
- 3.The Tahsildar,
Krishnarayapuram Taluk,
Karur District.
- 4.Ramasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned proceedings of the Second Respondent dated 22.07.2015 made in Na.Ka.No.A1/5412/2013 quash the same.

For Petitioner	:	Mr.Pandiarajan for Mr.P.Murugesan
For Respondents 1 to 3	:	Mr.R.Murugan Additional Government Pleader
For Respondent 4	:	Mr.K.Prabhakar

ORDER

Heard Mr.Pandiarajan, Learned Counsel for the Petitioner, Mr.R.Murugesan, Learned Additional Government Pleader for the First to Third Respondents and Mr.K.Prabhakar, Learned Counsel for the Fourth Respondent and perused the materials placed on records, apart from the pleadings of the parties.

2. Learned Counsel for the Fourth Respondent states that the Fourth Respondent expired after filing of this Writ Petition and he has also made an endorsement to that effect, which is recorded. Having regard to the nature of the order proposed to be passed which would not cause any prejudice to the legal heirs of the Fourth Respondent, their impleading is dispensed with.

3. The Petitioner is aggrieved by the order in Na.Ka.No.A1/5412/2013 dated 22.07.2015 passed by the Second Respondent refusing to enter the name of the Petitioner in the revenue records relating to the property in S.F. No.213/3, 4, 5, Manavasi Village, Krishnarayapuram Taluk, Karur District claimed to be in his possession and directing him to workout his rights in that regard before the jurisdictional Civil Court. It is also borne out from the proceedings of the revenue authorities that the Fourth



Respondent has made a rival claim of title to that property. It is now legally settled as held by the Division Bench of this Court in **Kuppuswamy Nainar -vs- District Revenue Officer** [(1995) 1 MLJ 426], which has been reiterated by another Division Bench in **Vishwas Footwear Company Ltd., -vs- 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 succeeding party to thereafter to apply before the concerned Revenue Authorities for mutation of records relating to the property in his favour. Since the impugned order is in conformity with that proposition of law it does not require any interference by this Court.

4. The Hon'ble Supreme Court of India in **Roshna T. -vs- Abdul Azeez K.T.** [(2019) 2 SCC 329] has reiterated the law that disputed questions of fact relating to property rights, which are private in character and do not have any element of public law involved, require full fledged trial by recording of evidence of parties and cannot be decided in a summary manner in proceedings under Article 226 of the Constitution of India.

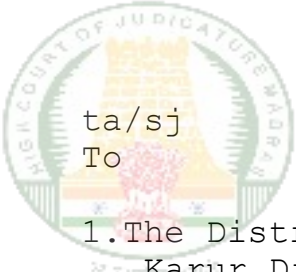
5. Having due regard to this unassailable legal position, the claims made by the Petitioner in this Writ Petition would have to be adjudicated only before the jurisdictional Civil Court. In view of the dictum laid down by the Hon'ble Supreme Court in **Muddasani Venkata -vs- Muddasani Sarojana** [(2016) 12 SCC 288] that entries of possession in revenue records do not give any right to claim title to the property, the Civil Court shall not be influenced or inhibited by the past revenue entries made in the revenue 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. 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 claim (for title and possession) relating to the property made by the contesting parties.

6. Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (ADII)

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ta/sj
To

1.The District Revenue Officer,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Krishnarayapuram Taluk,
Karur District.

+1 CC to M/s.SPL.GP (SR-10332[F] dated 06/03/2020)

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-10680[F] dated 09/03/2020)

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