



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4079 of 2016
and
W.M.P.No.3415 of 2016

1.Mr.M.Vadivel

2.Mr.M.Subramani

...Petitioners

Vs

1. The Sub-Collector,
Perambalur District.

2. The District Revenue Officer,
Perambalur.

3. The Tahsildar,
Alathur Taluk,
Perambalur District.

4. Mr.Annadurai

5. Mr.Singaravel

6. Mr.Chellamuthu

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the second respondent in pursuant to the impugned order of the second respondent in Na.Ka.Aa2/7142/2015 dated 30.09.2015 and to quash the same.

For Petitioners :M/s.G.Ilamurugu

For Respondents :Mr.K.M.D.Muhilan

Government Advocate (for R1 to R3)
Mr.Veeramani (for R4 to R6)

ORDER

The order dated 30.09.2015, rejecting the claim of the petitioner, challenging the change effected in the revenue records, by way of rectification, is under challenge in the present writ petition.



2. The petitioner claims ownership in respect of the subject property. Patta was granted in favour of the petitioner. Subsequently, the contesting respondents 4 to 6 submitted an application that they are the original owners and entry in the revenue records were made erroneously, in favour of the petitioners. The revenue authorities conducted an enquiry and rectified the errors and accordingly, the name of the petitioners were deleted from the revenue records. Challenging the said order, the present writ petition is filed.

3. This Court is of the considered opinion that there is a dispute regarding the title and ownership. Admittedly, a civil suit in O.S.No.270 of 2014 is pending before the competent civil court of law. The petitioners and the contesting respondents are the parties in the civil suit and therefore, the dispute regarding title and ownership, is to be resolved only by adjudication before the Court of law in the said suit. Contrarily, the revenue authorities are not empowered to issue any kind of declaration in respect of title or ownership of the property. However, it is made clear that during the pendency of the civil litigation, the revenue records shall not be taken undue advantage by any of the parties. In other words, all entries made in the revenue records till the finalisation of the civil dispute are to be kept in abeyance and the parties are at liberty to adjudicate the title and ownership independently, with reference to the original documents and the evidences available.

4. This being the factum established, the petitioners and the contesting respondents are at liberty to resolve their title dispute before the competent civil Court of law in the suit pending. After the civil dispute, either of the parties are at liberty to approach the competent authorities for effecting alterations in the revenue records, by submitting proper applications.

5. With these observations, the writ petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

nti/ars



To

1. The Sub-Collector,
Perambalur District.

2. The District Revenue Officer,
Perambalur.

3. The Tahsildar,
Alathur Taluk,
Perambalur District.

+1cc to Mr.G.Ilamurugu, Advocate SR.No.52280

+1cc to Mr.Veeramani, Advocate SR.No.52982

+1cc to Government Pleader SR.No.53174

W.P.No.4079 of 2016

RSI (CO)
GMY (27/10/2021)