



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.4593 of 2021

and

W.M.P. (MD)No.3681 of 2021

WEB COPY

Subburaj

: Petitioner

Vs.

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District, Theni.

3.The Tahsildar,
Periyakulam Taluk,
Periyakulam, Theni District.

4.Ravi Kumar

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the entire record pertaining to the impugned order in Proceedings Na.Ka.No.41522/2016/D4 dated 11.01.2021 passed by the first respondent and to quash the same as illegal and consequently to direct the first respondents to restore the Patta No.1983 issued as per the RTR No.146/11-A by the proceedings of the third respondent within a time stipulated by this Court.

For Petitioner
For R1 to R3

:Mr.P.M.Vishnuvarthanan
:Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner claims himself as the absolute owner of the properties in S.No.207/3 (measuring an extent of 0.78.5 Hectares) and S.Nos.119/2, 119/1, 119/1A and 129/2 (measuring an extent of 8.13 acres) in E.Puthukottai (Endapul), Periyagulam Taluk, Theni District, by virtue of registered sale deeds, dated 02.07.2010 and 13.06.2013 and the same was also confirmed by way of judgment and decree in A.S.No.24 of 2012 on the file of the Principal District Court, Theni, dated 10.07.2013.

2.According to him, since the date of purchase, the petitioner has been in exclusive possession and enjoyment of the entire lands. Over for a period of time, it is stated in the affidavit that several transactions have been taken in regard to the subject



properties and proceedings have also taken place under the provisions of Tamil Nadu Patta Pass Book Act. The affidavit contains plethora facts, which are in fact, mind boggling and despite reading of the facts pertaining to several transactions in relation to the subject properties, ultimately, the prayer in the Writ Petition is to challenge the proceedings of the first respondent herein, dated 11.01.2021 rejecting the revision petition filed by the petitioner.

3.The proper course for the petitioner in the facts and circumstances of the case is to approach the Civil Court and assail the orders of the revenue authority and not before this Court in a writ jurisdiction. It is needless to mention that in cases where settlement of *lis qua* parties involving investigation of facts, it is not within the jurisdiction of this Court to enter into the factual realm and sort out the controversies as between the parties. This Court cannot undertake adjudication of various factual disputes *qua* parties and render any findings. It is for the Civil Court to consider the rival claims of the parties and as far as the petitioner is concerned, he has to work out his remedy before a Civil forum and not before this Court.

4.For the aforesaid reasons, this Writ Petition is dismissed as not maintainable and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam,Theni District, Theni.

3.The Tahsildar,
Periyakulam Taluk,Periyakulam, Theni District.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-9412[F] dated 08/03/2021)

+1 CC to M/s.SPL GP (SR-9474[F] dated 08/03/2021)

W.P. (MD)No.4593 of 2021
05.03.2021

SRK(CO)

KB(25.03.2021) 2P 6C

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