



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18613 of 2021

and

W.M.P. (MD) .No.15351 of 2021

Parameshwari

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai.

3.Karthikeyan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the first respondent from deciding the title in respect of S.No.51/4, Melakuilkudi Village, Madurai District by conducting and passing orders in Na.Ka.No.59768/2019 pending disposal of the declaration suit in O.S.No.128/2019 on the file of District Court, Madurai.

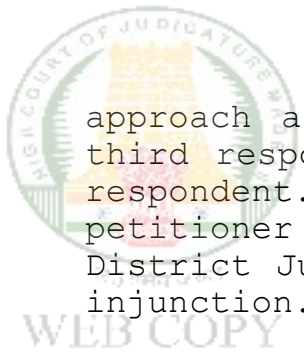
For Petitioner : Mr.R.G.Shankar Ganesh

For R-1 and R-2 : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner seeks to prevent the first respondent from deciding title in respect of the property bearing Survey No.51/4 at Melakuilkudi Village, Madurai District.

2. The petitioner claims title to the above mentioned property. Such title is claimed through his mother, Rajathi, who, in turn, traces title through one Mr.S.Arumugam. According to the petitioner, the private respondent claims title through a forged sale deed dated 15.06.1993 and had obtained a mutation of revenue records on such basis. Therefore, the petitioner filed an appeal before the jurisdictional Revenue Divisional Officer. Such appeal was partly allowed by order dated 12.11.2018. The petitioner



approach a civil court to decide questions of title, whereas the third respondent herein filed a Revision Petition before the first respondent. Even prior to the filing of the Revision Petition, the petitioner filed O.S.No.128 of 2019 before the learned IV Additional District Judge, Madurai seeking relief of declaration and permanent injunction. The said suit is said to be pending.

3.In spite of the pending civil proceedings, the petitioner asserts that the first respondent is proceeding to conclude the proceedings relating to the Revision Petition filed by the third respondent. The present Writ Petition is filed to prevent the first respondent from deciding questions of title in the pending Revision Petition.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents.

5.The first respondent is not entitled to decide questions of title. The authority to decide questions of title is vested with a competent civil court. In the case at hand, it appears that the petitioner has filed a civil suit which is pending on the file of the learned IV Additional District Judge, Madurai. At the same time, it should be noted that the Tamil Nadu Patta Passbook Act, 1983 confers power on the District Revenue Officer to entertain a Revision Petition and decide on the validity of entries in the revenue records relating to the relevant property. To that extent, the first respondent cannot be forestalled from performing a statutory function.

6.Subject to the above observations, W.P.(MD).No.18613 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.(MD).No.15351 of 2021 stands closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-32604[F] dated
26/10/2021)

+1 CC to M/s.SPL.GP (SR-32364[F] dated 25/10/2021)

W.P (MD) No.18613 of 2021
22.10.2021

MGJ/PM(02.11.2021) 3P 5C