



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.02.2022
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.13035 and 9891 of 2015

M.Faslur Rahman ... Petitioner in W.P.13035/2015
M.Radha Krishnan ... Petitioner in W.P.9891/2015

Vs.

1.The District Revenue Officer
Erode District,
Erode. ... 1st Respondent in W.P.13035/2015

1.The District Revenue Officer cum
Additional District Magistrate,
Erode District. ... 1st Respondent in W.P.9891/2015

2.The Revenue Divisional Officer
Gobichettipalayam,
Erode District.

3.B.M.Ramalingam ... Respondents in both W.Ps.

Prayer in W.P.No.13035 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the order passed in Pa.Mu.No.24828/2013/U2 dated 13.03.2015 on the file of the first respondent and quash the same as arbitrary, illegal and contrary to the decisions of this Hon'ble Court.

Prayer in W.P.No.9891 of 2015:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the first respondent made in his order in Pa.Ma.No.24828/2013 U2 dated 13.03.2015 and quash the same in respect of S.No.28, patta No.491 in veera pandi village, Gobi Chettipalayam, Erode District to the extent of 3175 cents.

For Petitioners : Mr.V.Saranraj
for Mr.S.Rameshkumar
in W.P.No.13035 of 2015



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Mr.AR.L.Sundaresan
Senior Counsel
for M/s.Profexs Associates
in W.P.No.9891 of 2015

For Respondents : Mr.T.Chezhiyan for R1 and R2
Additional Government Pleader
in both the W.Ps.

Mr.M.Muthappan for R3
in W.P.No.13035 of 2015

M/s.K.Subbu Ranga Bharathi for R3
in W.P.No.9891 of 2015

C O M M O N O R D E R

When the writ petitions were taken up for consideration, the learned Senior Counsel appearing for the petitioner in W.P.No.9891 of 2015 as well as the learned counsel appearing for the petitioner in W.P.No.13035 of 2015 fairly submitted that the issue involved in the present writ petitions are disputed questions of fact, which cannot be decided in writ petitions under Article 226 of the Constitution of India and it can be decided only before the competent Civil Forum. Hence, this Court may grant liberty to the petitioners to file suit before the competent Civil Forum and may also grant an order of Status - quo in favour of the petitioners.

2.The learned Additional Government Pleader appearing for the official respondents raise no serious objection.

3.Considering the request made by the learned Senior Counsel appearing for the petitioner in W.P.No.9891 of 2015 as well as the learned counsel appearing for the petitioner in W.P.No.13035 of 2015, this Court without rendering any opinion on the merits of the case, grants liberty to the petitioners to file appropriate suit before the competent Civil Forum, within a period of four weeks from the date of receipt of a copy of this order. Till such time, Status - quo as on date is to be maintained by the respondents. It is needless to say that the competent Civil Court shall decide the suit that is to be filed by the petitioners in accordance with law, based on the available records, without being influenced by any of the observations made in the impugned orders.



4. These writ petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Revenue Officer
Erode District,
Erode.

2.The District Revenue Officer cum
Additional District Magistrate,
Erode District.

3.The Revenue Divisional Officer
Gobichettipalayam,
Erode District.

+1 cc to Mr.M/s.Profexs Associates, Advocate Sr.NO. 10382

+1 cc to Mr.S.Rameshkumar, Advocate Sr.NO.10891

+1 cc to Mr.M.Muthappan, Advocate Sr.NO. 10161

W.P.Nos.13035 and 9891 of 2015

PMK(CO)

A.SK(17/03/2022)