



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23906 of 2008

and

W.M.P.Nos.1 & 2 of 2008 and W.M.P.No.1 of 2009

1. C.Palanisamy
2. Deiva Sigamani ... Petitioners

Vs.

1. District Revenue Officer,  
Erode District, Erode.
2. The Revenue Divisional Officer,  
Erode District, Erode.
3. The Tahsildar,  
Perundurai Taluk, Erode District.
4. Zonal Deputy Tahsildar,  
Perundurai Zone,  
Perundurai Taluk.
5. Ammasi Gounder
6. Venkatachalam
7. P.Elangovan
8. Deivasigamani
9. Viswanathan
10. A.P.K.Mani ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 02.05.2008 made in Revision Petition No.1/08/A.9 (L.S) and quash the same and consequently direct the first respondent to deal with the Revision Petition on merits with due notice to the respondents.

For Petitioners : M/s.S.Kirthika

For Respondents R1 to R4 : Mr.G.Nanmaran,  
Special Government Pleader



## O R D E R

The petitioner has filed this writ petition for quashment of the order of the 1<sup>st</sup> respondent, District Revenue Officer made in Rev.Petition 1/2008/A.9 (L.S.) dated 02.05.2005 and consequently direct the first respondent to deal with the Revision Petition.

2. The case is that the 2<sup>nd</sup> petitioner is the son of the 1<sup>st</sup> petitioner and the property in Paimash Nos.1273, 1287, 1288, 1289 & 1232 in Old Survey Nos.439, 454, 455 & 398 in Re-survey Nos.37/1 to 12, 39/1 to 12, 46/1 to 11, 40/1 to 5 and 413/1 to 17 to an extent of 4.10 acres belong to them. However, the private respondents 5 to 10 were not at all the holder of the lands, obtained Patta in their names on the basis of the Document dated 04.03.2004 as a gift deed executed by one Chellammal and Munniammal by way of 2<sup>nd</sup> respondent order dated 31.07.2006. Thereafter, for cancelling the said Patta issued in favour of the private respondents and transferring the same in the names of the petitioners, the petitioners issued a legal notice dated 10.01.2005 to the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent, after verifying the records, placed that the change of Patta has been caused on 23.02.2005 on the file of the 3<sup>rd</sup> respondent and forwarded the same to the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent vide order dated 31.07.2006 confirmed the order of the 3<sup>rd</sup> respondent dated 23.02.2005 by rejecting the petitioners' request. Challenging the same, the 1<sup>st</sup> petitioner filed a Writ Petition in W.P.No.7087/2007 before this Court and the same was dismissed, however, the 1<sup>st</sup> petitioner is granted liberty to exhaust the alternative remedy by preferring appeal/revision before the appropriate authority. Therefore, the petitioners made a representation before the 1<sup>st</sup> respondent and the same was rejected vide Rev.Petition 1/2008/A.9 (L.S.) dated 02.05.2005. Challenging the said impugned order of the 1<sup>st</sup> respondent, this Writ Petition is filed.

3. The learned counsel for the petitioners submitted that admittedly the properties belong to the petitioners in Re-survey Nos.37/1 to 12, 39/1 to 12, 46/1 to 11, 40/1 to 5 and 413/1 to 17. However, in respect of the Sub- division of disputed properties made by the Revenue Divisional Officer/2<sup>nd</sup> respondent, the request of the petitioners were rejected by the 1<sup>st</sup> respondent which is unsustainable. Accordingly, he prays for allowing of the petition.

4. Heard the contentions of the learned counsel for the petitioners as well as the learned Special Government Pleader appearing for the respondents.

5. From a perusal of the material available on records, it is seen that there was a Civil Suit in O.S.No.134 of 2007



pending between the petitioners and the private respondents. Further, it is noted that the Revenue Officials are not competent to decide the title between parties. However, when the issue is pending before the competent Civil Court for deciding the same title, filing this Writ Petition is not sustainable. The view of this Court finds strength from the decision of the Division Bench of this Court in Kuppuswami Nainar Vs. The District Revenue Officer and others (1995 (1) MLJ 426.

6. In view of the above, it is evident that the impugned order passed by the Revenue Officials is based on the above said factual matrix which cannot be interfered.

7. This writ petition is accordingly dismissed. No costs. However, the petitioners are at liberty to workout their remedies before the competent Civil Court, where the suit is pending. After succeeding the suit, liberty granted to the petitioner to file fresh application before the Revenue Authorities for issuance of Patta. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

anu

To

1. District Revenue Officer,  
Erode District, Erode.
2. The Revenue Divisional Officer,  
Erode District, Erode.
3. The Tahsildar,  
Perundurai Taluk, Erode District.
4. Zonal Deputy Tahsildar,  
Perundurai Zone, Perundurai Taluk.

+1cc to Mr.G.Thilakavathi, Advocate, S.R.No.14992  
+1cc to the Government Pleader, S.R.No.15529

W.P.No.23906 of 2008 and  
W.M.P.Nos.1 & 2 of 2008 and W.M.P.No.1 of 2009

PMK(CO)  
CT 05/04/2022