



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25253 of 2014

Murali

... petitioner

-Vs-

1. The District Collector,
Saram, Pondicherry.

2. The Deputy Collector (Revenue) North,
Saram, Pondicherry.

3. The Tahsildar,
Government of Puducherry,
Taluk Office, Oulgaret.

4. Sakunthala

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari Calling for the records of the 3rd respondent in respect of the order dated 7/8/2014 in No. 1856/TOO/LG/ FS/2014/437 passed by the 3rd respondent and quash the same as illegal.

For petitioner : Mr. J.Suresh

For Respondents: Mr. Alexander, GA, RR1 to 3
Mr.M.Vijayamehanath R4
For M/s.AAV partners

O R D E R

The writ petition has been filed seeking to quash the order dated 7/8/2014 in No. 1856/TOO/LG/ FS/2014/437 passed by the 3rd respondent.

2. The case of the petitioner is that the petitioner is the absolute owner of the property of vacant plot No.15 to an extent of 1962 sq. ft. comprised in patta No.1682 situated at Saram Revenue Village and he purchased the property from one



Muthiah Mudaliyar vide sale deed dated 26.06.1943. In the meanwhile, the 4th respondent herein made a complaint before the 3rd respondent against the petitioner for land grabbing. After enquiry, the 3rd respondent passed the impugned order stating that the petitioner was directed not to disturb the aforesaid property of the 4th respondent. Challenging the same, the petitioner has filed the present writ petition seeking to quash the order passed by the 3rd respondent.

3. The learned counsel for the petitioner submitted that the revenue officials have no right to decide the title between the parties. On the contrary, the third respondent have decided the issue and passed the order. Based on which, the 4th respondent has filed a complaint before the jurisdiction police and the police, based on the impugned order, tried to initiate the criminal complaint against the petitioner, which is not sustainable.

4. The learned counsel for the 4th respondent reported that there is no instructions received so far from his client.

5. The learned Government Advocate submitted that the entire dispute is civil in nature. With regard to the dispute, the parties should approach the competent civil court. On the contrary, the petitioner has filed the present writ petitioner under Article 226 of the Constitution of India, which is not maintainable and the same is liable to be dismissed.

6. Heard, the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the Government and the learned counsel for the 5th respondent and perused the materials available on record.

7. The facts of the case are not in dispute. There is a dispute with regard to the aforesaid property between the petitioner and the 4th respondent. When there is a civil dispute between the parties, the revenue officials have no right to interfere with the disputed property. On perusal of the impugned order, the third respondent stated that the petitioner has no right over the subject property, which is incorrect. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court directs the parties to approach the competent civil Court for establishing their rights. If the petitioner approach the civil Court, the learned Judge shall decide the case independently, without influencing the observation made in the impugned order. After disposal of the suit, the succeeding party shall make a fresh



application/petition to the concerned respondents along with the decree passed by the trial Court. After receipt of such application, the official respondents shall consider the same and pass appropriate order, after affording opportunity to the necessary parties, based on the decree of the trial Court, on merits and in accordance with law.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Saram, Pondicherry.

2. The Deputy Collector (Revenue) North,
Saram, Pondicherry.

3. The Tahsildar,
Government of Puducherry,
Taluk Office, Oulgaret.

+lcc to M/s.A.A.V.Partners, Advocate SR.No.17123

+lcc to the Government Pleader, SR.No.16850

W.P.No.25253 of 2014

NMI (CO)

CB(31/03/2022)