



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**W.P.No.34152 of 2017andW.M.P.No.37946 of 2017

1. Murugesan

2. Karuppa Gounder

... Petitioners

Vs.

1. The District Revenue Officer,
Tiruppur District, Tiruppur.2. The Sub Collector,
Tiruppur.3. The Tahsildar,
Avanasi, Tiruppur District.4. The Assistant Director,
Department of Land Survey Register,
Tiruppur.5. The Village Administrative Officer,
Parppankulam Village,
Avanasi Taluk, Tiruppur District.

6. Subbanna Gounder

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 06.11.2017 in Na.Ka.No.15785/2016/J1, passed by the first respondent, quash the same, and consequently direct the respondents 1 to 6 to resurvey the subject lands in the presence of the petitioner and sixth respondent and to fix the boundaries in accordance with law.

For Petitioners : M/S.D.R.Arun Kumar
For R1 to R5 : Mr.U.Bharanidharan
Additional Government Pleader
For R6 : M/S.K.Govi Ganesan

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 06.11.2017 in Na.Ka.No.15785/2016/J1, passed by the first respondent, quash the same, and consequently direct the respondents 1 to 6 to re-survey the subject land in the presence of the petitioners and sixth respondent and to fix the boundaries in accordance with law.

2. The case of the petitioners is that they are the owners of the property in S.F.No.12/1, ad-measuring an extent of 3.38 Punja Acres in

Parppankulam Village, Avanasi Taluk, Tiruppur District. The petitioners



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are in absolute possession and enjoyment of the said property without any hindrance. While so, in order to grab the petitioners' property, after a lapse of several years, the sixth respondent alleged that the measurement stated in the Revenue Records are wrong. Further, the sub-division was made in respect of the aforesaid survey number and individual Patta was issued to the petitioners. The grievance of the petitioners is that, during sub-division in S.F.Nos.12/1B1 and 12/1B2, the boundaries were wrongly fixed. Therefore, the petitioners have approached the first respondent to re-survey the aforesaid lands and to fix the boundaries afresh. However, the first respondent, without re-surveying the said lands, passed the present impugned order dated 06.11.2017. Challenging the same, the petitioners have filed the present Writ Petition.

3. The learned counsel for the petitioners submitted that, the issue that arises in the present Writ Petition is with regard to the boundaries fixed during sub-division relating to aforesaid survey numbers. Hence, he seeks permission of this Court to decide the issue before the competent Civil Court.



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4. Heard the arguments advanced on either side and perused the materials available on record.

5. On a perusal of the records, it reveals that the issue that arises in the present Writ Petition, is purely a Civil dispute between the petitioners and the private respondents. However, the disputed question of facts, have to be ventilated only before the Competent Civil Court, and not before the Revenue Officials.

6. Thus, this Court, without going into the merits of the case, permits the petitioners to file appropriate Suit before the Competent Civil Court in respect of their claim. Further, on such filing of Suit, the Competent Civil Court is directed to decide the said Suit, without being influenced by any of the observations made in the impugned order passed by the first respondent/District Revenue Officer, dated 06.11.2017. Thereafter, subject to the result of the outcome of the Suit, the succeeding party is at liberty to file fresh application before the appropriate Revenue Officials based on the Civil Court decree.

7. With the above observations and directions, this Writ Petition



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is disposed of, granting liberty to the effect that the succeeding party in the said suit, shall file fresh application before the appropriate Revenue Officials. No costs. Consequently, connected Miscellaneous Petition is closed.

16.11.2022

Speaking Order : Yes/ No

Internet: Yes/ No

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To

1. The District Revenue Officer,
Tiruppur District, Tiruppur.
2. The Sub Collector,
Tiruppur.
3. The Tahsildar,
Avanasi, Tiruppur District.
4. The Assistant Director,
Department of Land Survey Register,
Tiruppur.
5. The Village Administrative Officer,
Parppankulam Village,
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M.DHANDAPANI, J.

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