



WEB COPY

W.A(MD)No.1490 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.1490 of 2022
and
C.M.P(MD)No.12308 of 2022**

M.Purushothaman

... Appellant/Petitioner

VS.

1.The District Revenue Officer,
Dindigul District,
Collectorate,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

3.The Tahsildar,
Dindigul West Taluk,
Dindigul Town.

4.Valarmathi

5.P.Ganesh Babu

6.P.Arunkumar

7.P.Vinothkumar

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 30.08.2022 passed in W.P(MD)No.15462 of 2022, on the



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file of this Court.

For Appellant : Mr.M.P.Senthil
For RR 1 to 3 : Mr.V.Nirmal Kumar
Government Advocate

JUDGMENT

[Judgment of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the dismissal order passed by the learned Single Judge in W.P(MD)No.15462 of 2022, dated 30.08.2022, the appellant/writ petitioner has filed the instant Writ Appeal.

2.The appellant/writ petitioner has filed the revision against the order of the Revenue Divisional Officer, Dindigul, dated 17.06.2016, wherein, patta has been granted in favour of the respondents 4 to 7. Subsequently, the appellant also filed a suit in O.S.No.47 of 2018, on the file of the learned District Munsif, Dindigul, seeking for the relief of injunction and pending the suit, the appellant also filed an amendment petition to amend the prayer for declaration. Be that as it may, the appellant has filed the writ petition before the Writ Court stating that the application



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pending before the revisional authority shall be kept in abeyance. The Writ Court passed an order holding that the appellant himself has filed the review and seeking for the said prayer and dismissed the Writ Petition. Challenging the said order, the appellant has filed the instant Writ Appeal.

3.Heard the learned counsel appearing for the appellant and the learned Government Advocate appearing for the respondents 1 to 3.

4.When there is a dispute as to the title, the parties have to approach before the civil Court. The said legal principles has been laid down by this Court in various decisions. In the case of **Kuppuswami Nainar Vs. The District Revenue Officer, Thiruvannamalai and others** reported in **1995 (1) MLJ 426** and in **Chockkappan and two others Vs. The State of Tamil Nadu, represented by the Special Commissioner and Commissioner of Land Administration, Chennai and two others** reported in **2004 (1) CTC 136**, wherein it is held that in the event a dispute relating to the title is involved, the Writ Court cannot entertain the Writ Petition and adjudicate the same before the civil Court. Therefore, the appellant himself has filed the revision petition before the revisional authority and he also approached before the competent civil Court for



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permanent injunction and filing the writ petition for the said prayer, certainly, is not sustainable and it is also an admitted fact that the appellant has filed amendment petition for amendment of the prayer seeking declaration for claiming the title of the property. When that being so, the entire issue has to be decided by the civil Court. The disputed facts will not be gone into by this Court sitting under Article 226 of the Constitution of India and the disputed fact would be decided only by the civil Court in O.S.No.77 of 2018. Hence, there is no force in the contention of the learned counsel appearing for the appellant and we are of the view that no *prima facie* case is made out and therefore, we are confirming the order passed by the Writ Court. It is needless to mention that the civil Court shall decide the issue independently on its own merits without being influenced by the order passed by the revenue authority. In case, the appellant has succeeded in the civil Court, he can seek for transfer of patta before the authority concerned based on the Judgment passed by the civil Court.

5. In view of the above, it is for the District Revenue Officer, Dindigul to pass appropriate orders on the revision and to close the application.



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6.With the above directions, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] & [R.V.,J.]
15.12.2022

Index : Yes / No
Internet : Yes
ps

To

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D. KRISHNAKUMAR,J.

and

R.VIJAYAKUMAR,J.

ps

**ORDER MADE IN
W.A(MD)No.1490 of 2022**

15.12.2022