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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.9478 of 2018
and
W.M.P.No.11378 of 2018

R.Sundarasamy

... Petitioner

versus

- 1.The District Revenue Officer,
Coimbatore,
Coimbatore District.
- 2.The Revenue Divisional Officer,
Coimbatore West,
Coimbatore.
- 3.The Tahsildhar,
Coimbatore West,
Coimbatore District.
- 4.A.P.Muruganandam

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of certiorari to call for the records in Proceedings in

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N.M.4631/2017/E1 dated 19.03.2018 on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Rajan

For Respondents : Mrs.N.Senthil Selvi
Government Advocate for R1 to R3
No appearance for R4

ORDER

The petitioner has come forward with the present writ petition challenging the proceedings in N.M.4631/2017/E1 dated 19.03.2018 on the file of the first respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 and 2 and perused the materials available on record.

3. According to the learned counsel for the petitioner, the property admeasuring 1.50 acres out of 14.52 acres comprised in S.No.423/1B situated at Ettimadai Village, Madukarai, Coimbatore District absolutely



belongs to the petitioner. As per the family partition held in the year 2009, he settled the aforementioned property to his daughter, but the petitioner is in absolute possession and enjoyment of the said property during the life time of his daughter, who died on 11.03.2014. The patta, adangal and other revenue records are in the name of the petitioner. Since the petitioner's daughter committed suicide, the petitioner suspects that the fourth respondent, who is the son-in-law of the petitioner is responsible for the same and also filed a criminal complaint against him. Pending criminal case, the fourth respondent obtained legal heir ship certificate declaring that he is the only legal heir of the petitioner's daughter. Based on the legal heir ship certificate as the title document, the fourth respondent obtained patta in his name for the said property. The petitioner filed an application dated 31.10.2016 before the second respondent and vide order dated 16.02.2017, the second respondent cancelled the mutation of patta in the name of fourth respondent which was changed only based on Legalheir Certificate. As against the said order dated 16.02.2017, the fourth respondent filed an



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appeal dated 24.02.2017 before the first respondent. The first respondent without proper appreciation, set aside the order passed by the second respondent and hence, the petitioner is before this Court.

4. On a perusal of the impugned order dated 19.03.2018, it is seen that issuance of the patta in the name of the fourth respondent was already cancelled by the second respondent. Since the dispute between rival parties is the title over the property, the first respondent directed the petitioner and fourth respondent to approach the competent Civil Court for appropriate remedy. However, the petitioner failed to approach the Civil Court, approached this Court by way of present writ petition.

5. In a case of this nature, any decision regarding the title made by the Revenue Authorities will not bind by the Civil Court and also civil dispute is proved by way of producing documentary evidence. The impugned order clearly shows that the dispute between the parties is purely civil in nature and that they can approach the Civil Court to establish their



title. Since it is a civil dispute, the writ petition filed under Article 226 of Constitution of India would not be maintainable.

6. In view of the above, the writ petition is dismissed with liberty to the petitioner to workout his remedies in the manner known to law and raise all his objections in that proceedings. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.10.2023

Speaking/Non-speaking order
Index: Yes/No

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To

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P.VELMURUGAN, J.

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