



W.P.No.3839 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3839 of 2015 and
M.P.No.1 of 2015

S.R.Lingaraj

... Petitioner

Vs

- 1.The District Collector,
Collector Office,
Coimbatore District.
- 2.The Revenue Divisional Officer,
Coimbatore District, Coimbatore.
- 3.The Tahsildar,
Coimbatore North Taluk Office,
Dr.Balasundaram Road, Coimbatore.
- 4.The Natham Taluk Sub-Surveyor,
Coimbatore North Taluk Office,
Dr.Balasundaram Road,
Coimbatore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration to declare that the Sub division of the 4th respondent herein in T.K.No.8A/47/2011, dated 19.08.2011 as null and void and consequently direct the respondents herein to restore the above S.F.No.537/11 into the original position as on date of filing suit in O.S.No.1824 of 2010 on the file of I Additional District Munsif of Coimbatore.



WEB COPY



W.P.No.3839 of 2015

For Petitioner : Mr.Karthick Rajan
for Mrs.A.Jagadeeswari

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The writ of declaration has been filed to declare that the sub division effected by the 4th respondent in Proceeding dated 19.08.2011 is null and void and to direct the respondents to restore the original possession as on the date of filing of the suit in O.S.No.1824 of 2010.

2. It is not in dispute that the petitioner has instituted a civil suit in O.S.No.1824 of 2010 on the file of the District Munsif Court at Coimbatore. The suit was instituted for permanent injunction. Admittedly, the civil suit is pending. However, the fact remains that the suit has not been instituted for declaration of title or ownership. Based on the sale deed, the Revenue Authorities have sub-divided the property through the impugned proceedings. Since the petitioner has not instituted a civil suit for declaration of title or otherwise, the mere suit for injunction cannot be construed as a bar for the purpose of effecting sub division by the Competent Authorities.



W.P.No.3839 of 2015

Therefore, the petitioner after the disposal of the suit or otherwise is at liberty to approach the competent Revenue Authorities for the purpose of redressal of grievances in the manner known to law. Based on the final orders to be passed in the civil suit, the Revenue Authorities may consider the application if any filed for effecting changes in the revenue records.

3. With the above observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl

To

- 1.The District Collector,
Collector Office, Coimbatore District.
- 2.The Revenue Divisional Officer,
Coimbatore District, Coimbatore.
- 3.The Tahsildar, Coimbatore North Taluk Office,
Dr.Balasundaram Road, Coimbatore.
- 4.The Natham Taluk Sub-Surveyor,
Coimbatore North Taluk Office,
Dr.Balasundaram Road,
Coimbatore.



WEB COPY



W.P.No.3839 of 2015

S.M.SUBRAMANIAM, J.

Sgl

W.P.No.3839 of 2015

06.06.2023