



6.Mariammal

7.Nanjammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed in Na.Ka.No.25321/2021/U2 dated 31.10.2022 from the file of the first respondent herein and quash the same as illegal and consequently direct the third respondent to remove the names of the respondents 4 to 7 in Patta Nos.465 and 502.

For Petitioner : Mr.K.Karthikeyan

For Respondents-1 to 3 : Mr.E.Sundaram,
Government Advocate.

For Respondents-4 to 7 : Mr.N.Manokaran

ORDER

The order dated 31.10.2022 passed by the first respondent-District Revenue Officer in a Revision Petition, is under challenge in the present writ petition.



2. The petitioner states that he is the absolute owner of the property and he claims his share in the subject property as described in the present writ petition.

3. Admittedly, there is a dispute exists between the petitioner and the respondents 4 to 7. In this regard, civil suit is instituted in OS No.15 of 2017 and the same is pending on the file of the Sub Court, Gopichettipalayam, Erode. The said suit was instituted for partition.

4. During the pendency of the suit, the petitioner submitted an application to remove the names of respondents 4 to 7 from the revenue records.

5. The Tahsildar passed an order in favour of the respondents 4 to 7. Challenging the said order of the Tahsildar, the petitioner preferred an appeal before the Revenue Divisional Officer, who in turn passed an order sating that the changes in the revenue records are to be made only after disposal of the civil suit pending before the Competent Court of Law. Again the petitioner preferred a Revision Petition before the District Revenue



Officer, who in turn confirmed the order passed by the Revenue Divisional Officer.

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6. The learned counsel for the petitioner raised an apprehension that the Tahsildar's order will be in force and in such an event, the rights of the petitioner would be prejudiced.

7. In this context, the order passed by the Appellate Authority and the Revisional Authority will prevail over the orders passed by the Tahsildar and therefore, all the revenue proceedings are to be kept in abeyance and till such time, the parties shall resolve their issues through Competent Civil Court of Law.

8. Mere pendency in revenue proceedings will not confer any title or ownership. The parties are expected to establish their case independently through original documents and evidences. Admittedly, the civil suit O.S.No.15 of 2017 is pending before the Sub Court, Gopichettipalayam, Erode.



9. That being the factum, the orders passed by the Appellate Authority and the Revisional Authority, are kept in abeyance and the parties after reaching their finality in respect of the civil dispute, shall approach the Competent Authority for effecting necessary changes in the revenue records.

10. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs.

17-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1. The District Revenue Officer,
Office of the D.R.O.,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Office of the R.D.O.,
Gopichettipalayam Sub Division,
Gopichettipalayam,
Erode District.
3. The Tahsildar,
Gopichettipalayam Taluk,
Taluk Office,
Gopichettipalayam,
Erode District.

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S.M.SUBRAMANIAM, J.

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