



W.A.No.1755 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1755 of 2021

C.Mathiyarasan

Vs.

.. Appellant

1. S.C.Venkatesh
2. The Revenue Divisional Officer
Collectorate, Coimbatore.
3. The Tahsildar
Coimbatore North
Tahsildar Office
Coimbatore.
4. The Town Sub Inspector of Survey
Land Survey, West Zone
Coimbatore Corporation
Coimbatore.

5. Palaniammal

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 15.03.2021 made in W.P.No.20040 of 2016.

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For the Appellant : Mr.Balan Haridas

For the Respondents : Mr.P.Mathivanan
for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.Balan Haridas, learned counsel for the appellant, Mr.P.Mathivanan, learned counsel for the first respondent and Mrs.R.Anitha, learned Special Government Pleader for the respondents 2 and 3.

2. The first respondent herein filed a writ petition bearing No.20040 of 2016 before the learned Single Judge challenging the order dated 20.02.2016 passed by the Revenue Divisional Officer. Under the said order, the Revenue Divisional Officer had passed an order on the premise that 1.76 acre was allotted to Palaniammal and that the remaining property was subsequently sold to the present appellant.



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3. The learned Single Judge observed that the case of the first respondent and the appellant has to be examined by the Revenue Divisional Officer with reference to the whole survey records and documents of title, apart from the decree that was granted in favour of the private respondent in the suit for partition. It is further observed that if the suit filed by the writ petitioner is decided finally resolving the issue, the Revenue Divisional Officer also may pass appropriate orders in tune with the decree that may be granted by the Civil Court.

4. The learned Single Judge has not decided the issue finally and has directed that the judgment delivered by the Civil Court in the pending civil suit filed by the first respondent would govern the parties and also would bind the Revenue Divisional Officer.

5. Naturally, the Civil Court will have to consider the extent of the properties purchased by the parties and also the rights of their predecessor in title. All these will have to be gone into by the Civil



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Court while arriving at the conclusion. The observations made by the learned Single Judge are limited only for the purpose of deciding the writ petition. The Civil Court has to independently decide the issue based on the evidence adduced before it and considering the documents before it.

6. With the above observations, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.11001 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

17.08.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKEVALU, J.

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