



WEB COPY

W.P.No.16368 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16368 of 2018
and WMP.Nos.19535 and 27579 of 2018

Mahadevi,
W/o.Elangovan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Sankari, Salem District.

2. M.Shanmugam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice in Na.Ka.No.993/2018 (c), dated 07.05.2018 issued by the 1st respondent, quash the same.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.T.Arunkumar
Additional Government Pleader [R1]

Mr.C.Kulanthaivel [R2]



WEB COPY

W.P.No.16368 of



ORDER

The enquiry notice issued by the Revenue Divisional Officer, Sankari based on the complaint given by the second respondent is under challenge in the present writ petition.

2. The second respondent lodged a complaint before the first respondent stating that the writ petitioner is intervening with the peaceful possession of the second respondent in the subject property. On receipt of such complaint, the first respondent issued the enquiry notice.

3. The learned counsel for the petitioner made a submission that the first respondent is not empowered to conduct an adjudication in respect of the relief sought for by the second respondent in his petition. In respect of grant of an injunction, the parties have to approach the Civil Court and thus, the enquiry notice issued by the first respondent is without jurisdiction. More so, the first respondent cannot be given a finding in respect of the title, ownership or civil rights to be established between the parties.



WEB COPY

W.P.No.16368 of



4. Admittedly, the writ petitioner has already instituted a civil suit in O.S.No.41 of 2015 on the file of the District Munsif Court, Sankari and the second respondent has also instituted a counter suit in O.S.No.35 of 2018 before the same Court. In both the civil suits, the petitioner as well as the second respondent are the parties.

5. That being the factum established, the parties are at liberty to resolve the civil disputes before the Civil Court in the manner known to law. After disposal of the civil suits and on reaching finality, either of the parties are at liberty to approach the revenue authorities for the purpose of grant of patta, cancellation of patta or mutate the revenue records as the case may be.

With these observations, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

04.09.2023

Index : Yes
Speaking order
Neutral Citation : Yes/No

mp

Page 3 of 4



WEB COPY

To

The Revenue Divisional Officer,
Sankari, Salem District.

W.P.No.16368 of



S.M.SUBRAMANIAM, J.

mp

W.P.No.16368 of 2018

04.09.2023