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W.P.Nos.20862 of 2023 and 7408 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.20862 and 7408 of 2023

and

W.M.P.Nos.20235 and 7490 of 2023

W.P.No.20862 of 2023

Anusha Rajinikanth

... Petitioner

Vs.

1.The Additional Administrative Magistrate /
District Revenue Officer,
Coimbatore.

2.The Sub-Registrar,
Ganapathy,
Coimbatore North Taluk,
Coimbatore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 1st respondent in Na.Ka.No.19233/2018/E1 dated 08.02.2023 and quash the same.

For Petitioner

: Mr.D.Ramesh Kumar

For Respondents

: Mr.D.Ravichander,
Special Government Pleader

W.P.No.7408 of 2023

Page 1 of 9



P.Santhalingam

... Petitioner

Vs.

1.The District Collector,
Coimbatore District.

2.The District Revenue Officer,
Coimbatore District,
Coimbatore.

3.The Revenue Divisional Officer -cum- Sub-Collector,
Coimbatore North,
Coimbatore.

4.The Tahsildar,
Coimbatore North,
Coimbatore.

5.S.Thamburaj

6.V.Santhi

7.M.Ramapraba

8.S.Palanisamy

9.Dr.L.P.Thangavelu

10.Santhi Thangavelu

11.K.Dharmalingam

12.S.Angathal

13.M.Lakshmanan

14.Lakshmi

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the order dated 08.02.2023 of the 2nd respondent in Na.Ka.19233/2018/E1 and quash the same and consequently to direct the 2nd to 4th respondents to issue Joint Patta with respect to the property situated in S.F.Nos.2/3, S.F.No.14, S.F.No.17/5, S.F.No.20/4, S.F.No.22, S.F.No.47, S.F.No.54, S.F.No.78/2, S.F.No.79/2, S.F.No.204, S.F.No.205, S.F.No.226, S.F.No.227, S.F.No.85, totally measuring an extent of 41.83 acres in Villankurichi Village, Coimbatore (North) Taluk, Coimbatore District in favour of the petitioner.

For Petitioner	: Mr.M.Ashwin Kumar
For R1 to R4	: Mr.D.Ravichander, Special Government Pleader
For R5 to R8	: Not ready in notice
For R9 & R10	: Mr.Ramesh Venkatachalapathy
For R11, R13 & R14	: Mr.L.Mouli
For R12	: Mr.Kandhan Dorai sami

COMMON ORDER

The order passed by the District Revenue Officer in proceedings dated 08.02.2023 is sought to be quashed in the present writ petitions. The said order has been passed after adjudication and by affording opportunity to the parties and pursuant to the directions issued by this Court to consider the application



submitted before the District Collector.

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2. The petitioner states that he is the owner of the property more fully described in the present writ petitions. The petitioner narrated the facts to establish that he derived the title from his ancestors. In respect of the revenue proceedings, the parties have approached the Tashildar and Revenue Divisional Officer and finally the matter went before the District Revenue Officer for adjudication. High Court issued a direction to the District Revenue Officer to pass orders by following the procedures.

3. The learned counsel for the petitioner states that the name of the petitioner was also directed to be included in the patta proceedings as a joint pattadhar and accordingly, the order was passed by the revenue authorities. The order impugned has been questioned on several grounds. However, those disputed facts cannot be adjudicated in writ proceedings, since those grounds are of civil nature. Such facts are to be adjudicated with reference to the documents and evidences on record.



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4. The learned Special Government Pleader appearing for the respondents has pointed out that the District Revenue Officer in the impugned order, in clear terms made a finding that the dispute is of civil nature and therefore, the revenue authorities are incompetent to adjudicate and give a finding.

5. Various facts and allegations raised between the parties relating to the documents are to be tried before the civil court of law. Thus, the authorities competent have to relegate the parties to the civil court of law for effective adjudication of disputes.

6. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken in consonance with the Statutes and the Rules in force but not the decision itself.

7. In the present case, the District Revenue Officer has taken a decision that disputes of civil nature exist between the parties and thus, they have to resolve the same through the competent Court of law. The said finding cannot be construed as perverse or infirm, since the revenue authorities are incompetent



to adjudicate the disputed facts of civil nature.

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8. It is brought to the notice of this Court that a Civil Suit has already been instituted in O.S.No.1415 of 2018 on the file of the III Additional Sub-Court, Coimbatore. Yet another Civil Suit in O.S.No.1054 of 2010 is also sub-judiced.

9. If at all the relief sought for is insufficient or otherwise, the parties are at liberty to institute a fresh Suit or amend the relief sought in the Suit or otherwise in the manner contemplated under the Code of Civil Procedure. Contrarily, High Court in such nature of cases cannot give any finding, which would cause prejudice to either of the parties to establish their title independently based on the documents and evidences available on record.

10. In view of the facts and circumstances, the petitioner is at liberty to pursue the civil litigation already pending or initiate appropriate civil proceedings, if required or if he is advised to do so.



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11. Any revenue proceeding issued under Patta Passbook Act cannot be a conclusive document under Section 35 of the Indian Evidence Act. Patta proceedings would not confer any right on the parties. Thus, the parties have to establish their civil right independently based on the documents and evidences.

12. With these observations, these writ petitions stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

18.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Additional Administrative Magistrate /
District Revenue Officer,
Coimbatore.

2.The Sub-Registrar,
Ganapathy,
Coimbatore North Taluk,
Coimbatore District.

3.The District Collector,
Coimbatore District.

4.The District Revenue Officer,
Coimbatore District,



Coimbatore.

5.The Revenue Divisional Officer -cum- Sub-Collector,
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S.M.SUBRAMANIAM, J.

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