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IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 11.12.2023****CORAM****THE HON'BLE MRS.JUSTICE T.V.THAMIL SELVI****CRP.No. 3807 of 2023****and****CMP.No.23617 of 2023**

Shri.C.Ravi

... Petitioner

Vs.

1. The District Collector,
O/o the Tirupur District Collector,
Tirupur Collectorate Complex,
Palladam Road, Tirupur.
2. The Land Acquisition Officer,
The District Revenue Officer,
O/o the District Revenue Officer,
Tirupur Collectorate Complex,
Palladam Road, Tirupur.
3. The Tahsildar,
Tirupur North Taluk,
Kumaran Road,
Tirupur.
4. The Divisional Engineer,
O/o the Divisional Engineer
Tamil Nadu Highways Department
College Road, Tirupur.

...Respondents



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Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 01.09.2023 in O.S.C.F.R.No.1711 of 2023 on the file of I Additional District and Sessions Judge at Tirupur.

For Petitioner : Mr.R.Selvakumar
For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

The petitioner has filed this petition to set aside the order dated 01.09.2023 in O.S.C.F.R.No.1711 of 2023 on the file of I Additional District and Sessions Judge at Tirupur.

2. Before the trial Court the revision petitioner / plaintiff has filed a suit to declare that he is the absolute owner of the plaint B Schedule property and also to declare the orders of the 1st defendant proceedings initiated for land acquisition proceedings as null and void in respect of the B-Schedule property and also to grant a Mandatory Injunction against the 4th defendant as not to disturb the peaceful possession and enjoyment of the plaint A and B Schedule



properties till the date of resolving the disputes as observed by this Court in W.P.No.15144 of 2020, pursuant to the direction to refer the matter before the Competent Civil Courts, Tiruppur under Section 22(3) of the Tamil Nadu Highways Act, 2001.

3. In the plaint the District Collector, Land Acquisition Officer, District Revenue Officer and Thasildar and Divisional Engineer, all the Government officials are defendants. According to the plaintiff, he is the owner of the land with an extent of 1088 sq.ft. of land and building. The suit properties was subject to mortgage with HDFC, Tiruppur under Memorandum of Deposit of title deeds dated 29.12.2014. On 02.02.2018, the 2nd defendant issued notification on 23.02.2017 under Section 19 (2) of Tamil Nadu High Ways Act 2001 and Rules 2003, calling upon to produce the title deeds and related documents on 08.02.2018. Thereafter, the 2nd defendant furnished the relevant documents, but the 2nd defendant categorically stated that T.S.No.111 and R.S.No.112 fall under the classification of Noyyal River Puramboke. Thereafter, the plaintiff has filed Writ petition No.15144 of 2020 against the same defendants and also prayed along with other petitions, calling for the entire records pertaining to the proceedings in Award No.1/2020 in



Na.Ka.No.8589/2011/VU 1 dated 14.08.2020, in which a common order was passed by this Court on 17.10.2022, which states as follows;

“6. In view of the fair submission made by the learned Additional Government Pleader and as the issue involved in these petitions are with regard to the title over the disputed lands, the same cannot be entertained under Article 226 of the Constitution and no affirmative directions can be issued in favour of the petitioners, hence, this Court, with regard to the disputed lands, issues direction to the respondents to refer the matter to the competent Civil Court in terms of Section 22(3) of the Tamil Nadu Highways Act, 2001 within a period of six weeks from the date of receipt of a copy of this order and the petitioners are at liberty to canvass all their grievance before the said Court. In so far as the lands to which there is no dispute, the respondents are directed to pay the compensation amount, if not already paid, within a period of six weeks from the date of receipt of a copy of this order.”

4. With regard to the dispute of title between the parties, this Court granted liberty to the petitioner more particularly plaintiff to canvas all the grievances before the appropriate forum by invoking under Section 22 (3) of Tamil Nadu High Ways Act, 2001 which, empowers in respect of adjudicating



the title. According to the plaintiff, officials have not conducted any proceedings with regard to title, against which he filed a present suit to declare his title, but the learned trial Judge erroneously failed to take the case on file.

5. The learned counsel for the respondents submitted that as per the direction of this Court, the plaintiff ought to have filed an application by invoking section 22 (3) of the Tamil Nadu Highways Act, 2001, instead of filing the present suit as such is not maintainable and the learned trial Judge rightly rejected the plaint.

6. Considering both sides submissions, admittedly the subject in issue is under dispute of Land Acquisition proceedings as per Section 63 of Tamil Nadu High Ways Act (TNHWA) 2001, but suit is not maintainable before the Civil Court. Accordingly, the Civil Court has no jurisdiction to take the case on file. If at all, any title is disputed, the petitioner is entitled to file application under Section 22 (3) of TNHWA, which decide the title of the property. The plaint was rejected as barred under Law, which needs no interference. Therefore, the findings given by the learned trial Judge is confirmed.



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7. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

11.12.2023

Index : Yes/No

Speaking order / Non speaking order

Neutral Citation: Yes/No

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O/o the Divisional Engineer, Tamil Nadu Highways Department
College Road, Tirupur.
5. The learned I Additional District and Sessions Judge, Tirupur.
6. The Section Officer, VR-Section, High Court of Madras.



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T.V.THAMIL SELVI, J.

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