



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.29067 of 2023

and

W.M.P. Nos.28653 to 28655 of 2023

M.R.Natarajan

... Petitioner

Vs.

1. The District Revenue Officer
Dharmapuri District

2. The Tahsildar
Kerimangalam Taluk
Dharmapuri District

3. R.Prakash

4. Smt.Geetha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Certiorarified Mandamus to call for the records in Ni.Mu.19252/2022/Pa.2 dated 16.11.2022 on the file of 1st respondent and quash the same and consequently direct the 2nd respondent to issue separate patta to the petitioner for his land measuring an extent of 0.67 Acres comprised in S.No.308/2D in Karimangalam Village and Taluk, Dharmapuri District.

For Petitioner : MrV.R.Annagandhi

For Respondents : Mr.V.Veluchamy
Additional Government Pleader for
R1 and R2
Mr.K.Selvaraj for R3 and R4



ORDER

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This Writ Petition is filed for a writ of Certiorarified Mandamus to call for the records in Ni.Mu.19252/2022/Pa.2 dated 16.11.2022 on the file of 1st respondent and quash the same and consequently direct the 2nd respondent to issue separate patta to the petitioner for his land measuring an extent of 0.67 Acres comprised in S.No.308/2D in Karimangalam Village and Taluk, Dharmapuri District.

2. The learned counsel for the petitioner submitted that the 1st respondent did not consider as to whether the Patta given in the name of the 3rd respondent is under UDR scheme for the disputed pathway, is sustainable. He further submitted that the Tahsildar also confirmed that there is a pathway. The 1st respondent has canceled all the Patta and directed to obtain patta as per their title. Once there is pathway existing even if it is existing for the private land, it is for the Government to remove the encroachment and to keep the pathway for the use of the public. The 1st respondent failed to consider the standing order given by the Revenue and arbitrarily canceled all the pattas.

3. The learned counsel for the private respondents/R3 and R4



submitted that the petitioner has already approached the Civil Court for the very same relief and a Civil Suit is pending and suppressing the same, the petitioner has filed the present writ petition. He further submitted that there cannot be any parallel proceedings regarding title, one is before the Civil Court and another is before writ Court. Therefore, the petition has to be dismissed.

4. Heard both sides and perused the records.

5. Though the learned counsel for the petitioner stated that the Tahsildar had made an observation regarding existence of pathway, but absolutely he has not produced any field map or village map. Even the UDR scheme that took place in 1984 and 1985, subsequently there was no UDR scheme.

6. However, the petitioner has already approached the Civil Court and filed suit in O.S. No.434 of 2023 before the District Munsif cum Judicial Magistrate, Kaarimangalam for declaration that the suit property therein belongs to plaintiffs; that the partition deed dated 12.02.2002 as null and void; the sale deed dated 09.11.2010 as null and void; the gift/settlement deed dated 07.06.2013 as null and void and also for permanent injunction restraining the defendants and their persons from interfering with the



peaceful possession. Since the matter is pending before the Civil Court itself regarding right, title and enjoyment, the Civil Court is the competent forum to decide the same. Hence, this writ petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs. The petitioner is at liberty to work out his remedy before the Civil Court in the pending civil suit.

07.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Tahsildar
Mettur Dam

2. The Revenue Inspector
Mettur Dam

3. The Village Administrative Officer
Konur West Village
Mettur Dam

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P.VELMURUGAN. J.

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