



W.P.(MD)No.2162 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.2162 of 2020**

**and**

**W.M.P.(MD).Nos.1827 & 1828 of 2020**

S.P.Sathasivam

... Petitioner

Vs.

1.The District Revenue Officer,  
O/o. the District Revenue Office, Trichy.

2.The Revenue Divisional Officer  
Office of the Revenue Divisional Office,  
Trichy.

3.The Tahsildar,  
Office of the Tahsildar,  
West Taluk Office, Trichy.

4.Athilakshmi

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, Calling for the records pertaining to the impugned order issued by the 2nd respondent in Na.Ka.No.A7/2325/2016 dated 15.09.2016 and quash the same.



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For Petitioner : Mr.B.Jameel Arasu

For R-1 to R-3 : Mr.K.S.Selva Ganesan,  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the impugned proceedings of the second respondent in Na.Ka.No.A7/2325/2016 dated 15.09.2016.

2. The case of the petitioner is that he had purchased three plots in Plot Nos.76, 77 and 78 in his name and in his wife's name in Old Survey No.135/1, New Survey No.11/1A 2 at Pirattiyur East Village, Trichy West Taluk, Trichy District. The further case of the petitioner is that he had developed these plots by putting up a compound wall and had also constructed a small shed in the property.

3. The grievance of the petitioner is that the fourth respondent and her man attempted to interfere with the peaceful possession and enjoyment of the property and had also started demolishing the compound wall of the petitioner. The petitioner filed a suit in this regard in O.S.No. 658/2016 against the fourth respondent and others before the District



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Munsif Court, Tiruchi and the same was pending. The petitioner also made a complaint before the Police for taking action against the persons, who were involved in the demolition of the compound wall.

4. An enquiry was conducted by the Police and the matter was referred to the revenue officials. Accordingly, an enquiry was conducted by the second respondent and through the impugned proceedings dated 15.09.2016, the second respondent had given findings as if the fourth respondent is the owner of the subject property. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondent Nos. 1 to 3. Notice was sent to the fourth respondent on two occasions and on both occasions, notice was returned “unserved”.

6. This Court has carefully considered the submissions made on either side and the materials available on record.



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7. The petitioner along with his wife has filed a suit in O.S.No.658 of 2016 against Karthick and Deiveeganathan, who are represented by the fourth respondent as the Power of Attorney Agent. This suit was filed with almost the very same cause of action that the compound wall was attempted to be demolished and the property was attempted to be grabbed. While this suit was pending, the second respondent had gone ahead and issued the proceedings dated 15.09.2016 by giving a finding that the fourth respondent is the owner of the property for an extent of 0.95 cents and after having dealt with some portions of the property, whatever was remaining is owned by the fourth respondent. This order passed by the second respondent has become a subject matter before this Court.

8. The learned Additional Government Pleader appearing on behalf of respondent Nos.1 to 3 submitted that the petitioner had simultaneously filed an appeal before the first respondent and based on the same, the parties has been asked to attend for an enquiry on 21.10.2023. That apart, the suit is also pending before the competent Civil Court.

9. In view of the above, the petitioner cannot ride two horses



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simultaneously at the same time. The petitioner has to either work out his remedy before the competent Civil Court where the suit is pending. If the petitioner resorts to that remedy, it goes without saying that the findings rendered by the revenue officials will not have any bearing and the Civil Court will independently consider the *inter se* rights of the parties in accordance with law. On the other hand, if the petitioner wants to prosecute the appeal before the first respondent, it is not necessary for this Court to go into the legality of the order passed by the second respondent, since it has already been challenged before the first respondent. However, the petitioner must confine his remedy before the appropriate forum and the petitioner cannot parallelly redress the grievance before the Civil Court as well as before the revenue officials.

10. The learned counsel appearing for the petitioner submitted that the petitioner will prosecute his remedy in the pending suit in O.S.No. 658 of 2016 before the District Munsif Court, Trichy. If the petitioner has come to such a definite conclusion, it is left open to the petitioner to agitate the dispute before the Civil Court and in which event, the Civil Court will not be bound by the findings rendered by the revenue authorities and the



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case of the petitioner and the contesting parties will be dealt with on its own merits and in accordance with law.

11. In the light of the stand taken by the petitioner, the first respondent is directed to close the pending appeal by leaving the parties to agitate their dispute before the competent Civil Court.

12. This Writ Petition is disposed of with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

**17.10.2023**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
tsg



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To

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**N.ANAND VENKATESH, J**

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