



1

W.P.(MD)No.8362 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8362 of 2021

in

W.M.P(MD)Nos.8603 and 6330 of 2021

Balamurali

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodikanal Taluk,
Dindigul District.

4.Chandrasekaran

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No. 19526/2018/A6 dated 18.02.2021 and quash the same.



WEB COPY



For Petitioner : Mr.R.Balakrishnan
For R1 to R3 : Mr.M.Siddharthan
Additional GovernmentPleader
For R4 : Mr.M.Ajmalkhan
Senior Counsel
for M/s.Ajmal Associates

ORDER

Heard the learned counsel for the writ petitioner, the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned senior counsel for the fourth respondent.

2.It is not in dispute that the patta originally reflected the name of the fourth respondent. This was questioned by the petitioner before the second respondent. The second respondent allowed the petitioner's appeal and directed the issuance of patta in favour of the petitioner. Challenging the same, the fourth respondent moved the first respondent. The first respondent setaside the order passed by the second respondent and restored the position that originally prevailed. That is put to challenge in this writ petition.



3.It is admitted on either side that two suits are presently pending in respect of the very same subject matter. O.S.No.147 of 2009 has been filed by the fourth respondent on the file of the District Munsif Court, Kodaikkanal for the relief of declaration and permanent injunction. The petitioner has filed O.S.No.72 of 2011 on the file of the District Munsif Court, Kodaikkanal seeking the relief of declaration and recovery of possession. When declaration suits are pending before the competent Court, the revenue authorities could not have interfered in the matter. This is a well settled proposition. The Hon'ble Division Bench in the judgment reported in **2011 (5) CTC 94 (Vishwas Footwear Company Limited Vs The District Collector & Others)**, had clearly held that contentious matters regarding title cannot be gone into by the revenue authorities.

4.This petitioner has obtained an order in his favour during the pendency of the civil suits. That is why, I do not want to interfere with the order passed by the first respondent. Since the suits are fairly old, the learned District Munsif, Kodaikkanal, is directed to club both the suits and give a disposal on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. I make it



clear that I have not gone into the merits of the matter. The contentions of both the parties are left fully open. The impugned order will abide by the outcome of the civil proceedings.

5.This Writ Petition is disposed of with the above said directions. No costs. Consequently, connected miscellaneous petitions stand closed.

13.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Note: Issue order copy on **15.02.2023**.

pnn

To

- 1.The District Revenue Officer, Dindigul District.
- 2.The Revenue Divisional Officer, Kodaikanal, Dindigul District.
- 3.The Tahsildar, Kodikanal Taluk, Dindigul District.



WEB COPY



5

W.P.(MD)No.8362 of 2021

G.R.SWAMINATHAN,J.

pnn

W.P.(MD)No.8362 of 2021

13.02.2023