



C.R.P.(MD) No.1380 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	19.07.2023
Delivered on	08.09.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1380 of 2022

and

C.M.P.(MD) No.5723 of 2022

1.Audithan

President, Sembiyavarambal Panchyat,
S/o.Sivaraman, 43, Therku Street,
Sembiyavarambal, Ayyavaadi Post,
Kumbakonam Taluk, Thanjavur District.

2.The Panchayat Ppresident,

Panchayat Office, 43,
Sembiyavarambal, Kumbakonam Taluk,
Thanjavur District.

... Petitioners

Vs.

1.Thiruvchenkadam

2.The Block Development Officer (Panchayat),
Block Development Office,
Thiruvidaimarudur and Taluk,
Thanjavur District.

3.The Village Administrative Officer,
Village Administrative Office,
Sembiyavarambal, Kumbakonam Taluk.



C.R.P.(MD) No.1380 of 2022

4.The Thasildar,
Thasildar Office,
Katcheri Road, Kumbakonam.

5.The Revenue Divisional Officer,
Revenue Divisional Office,
Katcheri Road, Kumbakonam.

6.The District Revenue Officer,
District Collector Office,
Vallam Road, Thanjavur District.

7.The District Collector Officer,
District Collector Office,
Vallam Road, Thanjavur District.

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the plaint in O.S.No. 371 of 2021 on the file of the Principal District Munsif Court at Kumbakonam and struck off the same from the file of the Trial Court.

For Petitioners : Mr.P.Chandrasekar

For R1 : Mr.Parthiban

For R2 to R7 : Mr.G.Suriyananth
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to strike off the plaint filed by the first respondent in O.S.No.371 of 2021 on the file of the Principal District Munsif Court at Kumbakonam.



C.R.P.(MD) No.1380 of 2022

WEB COPY

2. The petitioners are the first and second defendants in O.S.No.370 of 2021. The said suit was filed by the first respondent/plaintiff for declaration of title over the suit property and for permanent injunction. According to the petitioners, while pending adjudication in W.P.No.16718 of 2014 filed by the first respondent before the Madras High Court (Principal Seat of this Court), Chennai, the Trial Court ought not to have numbered the above suit which is abuse of process of law. It is submitted that the Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai by an order dated 12.08.2013 confirming the proceedings of the sixth respondent District Revenue Officer, Thanjavur in S.R.No.11/2003 U2, dated 31.01.2005, negatived the claim of the first respondent's title over the suit property and the same was challenged by the first respondent/plaintiff by filing the above Writ Petition.

3. It is submitted that in the said Writ Petition, the first respondent sought for an prayer of injunction and therefore, he cannot maintain parallel proceedings for the same relief by way of filing the above suit. It is further submitted that no injunction suit is maintainable against the authorities and Writ Court alone has jurisdiction to entertain the same.



C.R.P.(MD) No.1380 of 2022

WEB COPY

4. It is further submitted that since the suit property belonged to the Government, question of declaration of title in favour of the first respondent/plaintiff would not arise. The first respondent/plaintiff approached the Trial Court with unclean hands and therefore, the Trial Court ought to have rejected the plaint filed by the first respondent/plaintiff. Hence, this Civil Revision Petition has been preferred to strike off the plaint from the file of the Principal District Munsif Court, Kumbakonam.

5. On the other hand, the learned counsel for the first respondent would submit that the first respondent had purchased a property comprised in New S.No.253/23 (Old S.No.160/3A) measuring to an extent of 2,016 Sq.ft situated in Sembiavarambal Village, Kumbakonam Taluk from one Mr.Govindarajan *vide* Sale Deed dated 03.09.1986 which was registered as Document No. 742/1986. The Patta to the said property was issued in the name of the first respondent. While so, the father of the first petitioner has made an objection before the fourth respondent Tahsildar, Kumbakonam for transfer of patta. The fourth respondent Tahsildar, Kumbakonam *vide* his order dated 30.11.1992 has cancelled the patta issued to the first respondent.



C.R.P.(MD) No.1380 of 2022

6. It is further submitted that the first respondent preferred an appeal before the fifth respondent Sub Divisional Magistrate-cum-Revenue Divisional Officer. The fifth respondent Sub-Divisional Magistrate-cum-Revenue Divisional Officer *vide* order dated 08.01.2003 in Pa.Mu.Na.Tha.P.299/2000-A3 dismissed the said appeal. Aggrieved by the same, the first respondent preferred a revision petition before the sixth respondent District Revenue Officer, Tanjore, but, the same also came to be dismissed on 31.01.2005, against which, the first respondent preferred an appeal by way of revision before the Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai. The Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai *vide* order in Ref.D.Dis.No.K3/RP35/2005 dated 12.08.2013 dismissed the said revision petition. Aggrieved over the same, the first respondent has filed the said Writ Petition before the Madras High Court (Principal Seat of this Court), Chennai. The said Writ Petition was disposed of by the Madras High Court (Principal Seat of this Court), Chennai on 14.11.2022.

7. Heard on both sides. Records perused.



C.R.P.(MD) No.1380 of 2022

8. On perusal of the order dated 14.11.2022 passed by this Court in W.P.No.16718 of 2014, it is noticed that the Court has made the following observations:-

4. As far as this case is concerned, the issue involved herein is a civil dispute and the same has to be decided by the competent Civil Court. Therefore, this Court without interfering with the order which is impugned herein, directs the Principal District Munsif Court, Kumbakonam to decide the issue involved in suit O.S.No.371 of 2021, without being influenced by any of the order passed by the Revenue Officials as well as the first respondent, as expeditiously as possible.

9. Therefore, this Court has clearly stated that the issue involved is a civil dispute and the same has to be decided by the competent Civil Court. Therefore, the Principal District Munsif Court, Kumbakonam was directed to decide the issue involved in suit O.S.No.371 of 2021 filed by the first respondent, without being influenced by any of the order passed by the Revenue Officials as well as the Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai, as expeditiously as possible.

10. Therefore, the revision petitioners at this juncture cannot seek the prayer to strike off the plaint filed by the first respondent from the file of the Principal District Munsif Court, Kumbakonam. Thus, this Civil Revision



C.R.P.(MD) No.1380 of 2022

Petition is devoid of merits and is therefore liable to be dismissed.

Accordingly, this Civil Revision Petition is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

08.09.2023

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

jen

To

1.Principal District Munsif Judge, Kumbakonam.

2.The Block Development Officer (Panchayat),
Block Development Office,
Thiruvaidaimarudur and Taluk,
Thanjavur District.

3.The Village Administrative Officer,
Village Administrative Office,
Sembiyavarambal, Kumbakonam Taluk.

4.The Thasildar, Katcheri Road, Kumbakonam.

5.The Revenue Divisional Officer,
Revenue Divisional Office,
Katcheri Road, Kumbakonam.

6.The District Revenue Officer,
District Collector Office,
Vallam Road, Thanjavur District.

7.The District Collector, District Collector Office,
Vallam Road, Thanjavur District.



WEB COPY



C.R.P.(MD) No.1380 of 2022

K.GOVINDARAJAN THILAKAVADI, J.

jen

Pre-Delivery Order made in

C.R.P.(MD) No.1380 of 2022
and C.M.P.(MD) No.5723 of 2022

08.09.2023