



W.A.(MD) No.1866 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **20.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1866 of 2023
and C.M.P.(MD) No.14260 of 2023

Swarnaverriah

... Appellant/Petitioner

-Vs.-

1. The District Collector,
Madurai District,
Madurai.

2. The District Revenue Officer,
Madurai District,
Madurai.

... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 31.01.2023 made in W.P.(MD)No.1813 of 2013 on the file of this Court.

For Appellant : Mr.K.P.Narayanakumar

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader



W.A.(MD) No.1866 of 2023

J U D G M E N T

WEB COPY

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The order dated 31.01.2023, passed in W.P.(MD) No.1813 of 2023, is sought to be quashed in the present Writ Appeal.

2. The relief sought for in the Writ Proceedings by the appellant would reveal that the said relief, if granted, amounts to declaration of title and the possession of the appellant. Such a relief of title or possession, if indirectly sought for in the Writ Proceedings, cannot be entertained.

3. Learned Single Judge considered the issue and found dispute regarding title exists and more so, the relief sought for is also misconceived.

4. Learned counsel appearing on behalf of the appellant made a submission that applications are made only to correct the revenue records. Mere correction of revenue records is permissible and therefore, the order of learned Single Judge is erroneous.



W.A.(MD) No.1866 of 2023

5. We are unable to agree with the said argument, in view of the fact that mere correction of revenue records, if permitted, by issuing a direction by this Court, there is a likelihood of causing infringement of civil rights of other parties, who may not be before us. Any orders causing such repercussions are to be passed by the competent civil Court of law by way of trial nature proceedings and such a roving enquiry cannot be conducted by the Writ Court. Revenue records would not confer title. Thus, the appellant has to establish his civil rights based on the documents in evidences independently and by impleading all necessary parties. This being the procedure contemplated under law, the learned Single Judge is right in relegating the appellant to approach the competent civil Court of law and therefore, we are not inclined to interfere with the order of the learned Single Judge.

6. Accordingly, the order of the learned Single Judge dated 31.01.2023, passed in W.P.(MD) No.1813 of 2023, stands confirmed and the Writ Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
20.10.2023

NCC :Yes/No
Index :Yes/No
SJ



WEB COPY



W.A.(MD) No.1866 of 2023

S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

To

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai District,
Madurai.

W.A.(MD) No.1866 of 2023

20.10.2023