



W.P.(MD)Nos.26177 to 26180 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)Nos.26177 to 26180 of 2022

and

W.M.P.(MD)Nos.20342, 20345, 20354, 20344, 20347, 20355, 20343,
20346, 20349, 20351, 20352 and 20353 of 2022

J.Jegan	... Petitioner in W.P.(MD)Nos.26177 of 2022
D.Srinivasan	... Petitioner in W.P.(MD)Nos.26178 of 2022
N.Suresh	... Petitioner in W.P.(MD)Nos.26179 of 2022
D.Vanangamudi	... Petitioner in W.P.(MD)Nos.26180 of 2022

vs.

1.The District Collector,
Office of the Collectorate,
Sivagangai, Sivagangai District.

2.The District Revenue Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District.

4.The Tahsildar,
Office of the Tahsildar,
Sivagangai, Sivagangai District.



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5.The Registrar,
Office of the Sub Registrar,
Manamadurai, Sivagangai District.

... Respondents in all cases

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned order of the second respondent in Mu.Mu.P1/19064/2019, dated 26.08.2022 and quash the same.

For Petitioner :Mr.S.Ramsundarvijayraj
For Respondents :Mr.J.Ashok
Additional Government Pleader
(in all cases)

COMMON ORDER

All these Writ Petitions have been filed questioned the impugned order of the second respondent in Mu.Mu.P1/19064/2019, dated 26.08.2022. In view of that particular fact, it is only be appropriate that one common is passed in all the Writ Petitions.

2.Heard Mr.S.Ramsundarvijayraj, learned Counsel for the petitioners and Mr.J.Ashok, learned Additional Government Pleader for



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the respondents.

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3.The main fulcrum of the stand of the learned Counsel for the petitioners is that, an order has been passed by a learned Single Judge of this Court in W.P.(MD)No.14140 of 2022, dated 26.07.2022 in the case of P.S.Subramaniya Ayyar vs The District Collector, Sivagangai District and six others, wherein, it was brought to notice of the learned Single Judge that two suits, namely, O.S.No.308 of 2019 and O.S.No.93 of 2020 are pending before the Sub Court at Manamadurai, When that fact was brought to the notice of the learned Single Judge of this Court, the learned Single Judge had stated that further proceedings by the Revenue Authorities may not be proper in view of the pendency of the two civil suits.

4.This naturally indicates that the issues relating to the said civil suits, which also include the lands which are the subject of the said civil suits, cannot be examined by the Revenue Authorities. It is brought to the knowledge that these Writ Petitioners are interested in properties, which are more or less appurtenant to the said lands, but are not actually



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the subject matter of the two civil suits. When this particular order of the learned Single Judge was brought to the notice of the District Revenue Officer, he has passed the impugned order, wherein, after referring to the said order in the said Writ Petition that two suits are pending, he has ordered that till the disposal of the suits, the enquiry is being stayed by him. This is the immediate cause for filing of the present Writ Petitions.

5.A probe into the facts a little deeper would indicate, as stated by the learned Counsel for the petitioners that large tracts of lands were originally owned by one P.S.Subramaniya Ayyar, who had settled in Chennai. Taking advantage of the owner being absent, there had been attempts to take hold of the lands and in this manner, various pattas have been granted for the said lands. On a complaint given by the said P.S.Subramaniya Ayyar, the original authority, namely, the Revenue Divisional Officer had cancelled those pattas. A Review had been filed before the District Revenue Officer. There had also been the two civil suits which had been filed questioning that particular cancellation of patta. The pendency of those two civil suits had been brought to the notice of the learned Single Judge in the Writ Petition in W.P.(MD)No.



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14140 of 2022, who observed that when suits are pending, it may not proper on the part of the Revenue Authorities to proceed further. That order was taken as an order in rem and even with respect to the lands, which are not the subject matter of the two civil suits, the impugned order came to be passed.

6.This is clear abdication of the responsibility thrust on the District Revenue Officer. He should proceed further, if the subject matter of lands are different than what were the subject matter of the lands in the two civil suits. Principles may or may not apply, but he cannot site the pendency of the civil suits, as a reason to withdraw from enquiring the issue.

7.Any decision making authority should take upon himself or herself the responsibility to provide a decision to the parties who are adjudicating a *lis* before him or her. This responsibility is thrust on the post, which he or she holds. Abdication from that responsibility would only lead to rule of law being violated by those, who had approached the authority seeking relief. Even a quasi judicial authority, like, the District



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Revenue Officer, should exercise jurisdiction when vested and should also take care to see that jurisdiction not vested by him or her is unduly exercised. There is a fine distinction in that particular aspect and it must be made clear that when a issue brought before the quasi judicial authority, a responsibility is thrust on the said authority to take a decision; to render such decision and to give reasons for such decision.

8.Merely stating that there are two suits pending without examining whether the subject matter of the lands of those suits are directly in issue before him and therefore, staying the proceedings, is not going to help either the parties before him or his own conscience. Therefore, the impugned order is set aside. But the matter is remitted to the District Revenue Officer.

9.Now, the issue of the Writ Petitioners will have to be addressed. There is a representation made before this Court that an impleading petition will be filed, but has not been filed. The matter is now remanded back to the District Revenue Officer to examine the issue afresh and examine whether the order passed by the learned Single Judge of this



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Court in the Writ Petition mentioned above would be directly binding and whether the subject matter of the lands are also the subject matter of those two civil suits and give a decision on those two aspects, namely, whether the order of the Writ Petition would be binding; whether the subject matter of the lands are subject matter of the two civil suits, namely, O.S.No.308 of 2019 and O.S.No.93 of 2020 and thereafter, take a decision to proceed further or not.

10.While proceedings further, if any application to implead is filed either by the Writ Petitioner therein or anybody on behalf of the Writ Petitioner therein, then due credit may be given to that particular application and a decision has to be taken. The decision must be taken on examination of the records available and thereafter, reasons must also be given. Incidentally, if title is involved, the cardinal principle that Revenue Authorities should not render a decision on title may also be kept in mind by the District Revenue Officer.

11.Holding as above, since the impugned order is set aside, the Writ Petitions are allowed, but with the direction to the District Revenue



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Officer to take a decision within a period of sixteen weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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

15.03.2023

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To

1.The District Collector,
Office of the Collectorate,
Sivagangai, Sivagangai District.

2.The District Revenue Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District.

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5.The Registrar,
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Manamadurai, Sivagangai District.

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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)Nos.26177 to 26180 of 2022

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