



W.P(MD)No.27455 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27455 of 2023

and

W.M.P(MD)No.23584 of 2023

Samadharmam

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai District.

3.The Tahsildar,
Sivagangai Taluk & District.

4.Jeyakodi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records if the impugned order in Moo.Mu.B1-6160-2022 on the file of the first respondent dated 20.10.2023 and quash the same.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.C.Satheesh
Government Advocate for R.1 to R.3

No Appearance for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the official respondents.

2. The patta that stood in the name of the writ petitioner was cancelled by the first respondent at the instance of the fourth respondent. Challenging the said order, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order. I am not in a position to consider the contentions for a simple reason that there are too many factual aspects involved. The first respondent had passed the order primarily for the reason that the fourth respondent has put up a house in the petition mention site. The petitioner will not gain anything



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by getting the impugned order set aside in this writ petition. He has to necessarily move the jurisdictional civil Court and ask for recovery of possession. Of course, he may also seek the relief for declaration also. The petitioner is given liberty to file a civil suit in this regard for enforcing his rights. It is well settled that any observation or finding given by a revenue authority will not have any binding effect over the jurisdictional civil Court when a regular suit is filed. The civil Court will decide the issue entirely on the evidence adduced before it.

4. With these observations and liberty to the writ petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.11.2023

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

To

1. The District Revenue Officer,
Sivagangai District.

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G.R.SWAMINATHAN, J.

MGA

2.The Revenue Divisional Officer,
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