



W.P.No.3162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3162 of 2024

and

W.M.P.No.3428 of 2024

A.Natarajan

... Petitioner

versus

- 1.The District Collector,
Office of the Collectorate,
Salem District.
- 2.The District Revenue Officer,
Office of the Collectorate,
Salem District.
- 3.The Revenue Divisional Officer,
Collectorate,
Salem District.
- 4.The Tahsildar,
Gangavalli Taluk,
Salem District.



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5.R.Sakthivel

... Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 19.01.2024 vide மு.மு.6301/2023/ஆ1 passed by the third respondent and quash the same as illegal and consequently direct the fourth respondent to keep all further proceedings in abeyance till the disposal of the Civil Suit in O.S.No.164 of 2018 pending on the file of the District Munsif, Attur.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R4

ORDER

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for respondents 1 to 4. Since this writ petition is being disposed of without passing any adverse orders against the fifth respondent, affecting his interest, notice to the fifth respondent is dispensed with.



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2. The prayer sought for in the present writ petition is to quash the impugned order dated 19.01.2024 in ஸ்.ஸ்.6301/2023/ஆ1 passed by the third respondent and consequently direct the fourth respondent to keep all further proceedings in abeyance, till the disposal of the Civil Suit in O.S.No.164 of 2018 on the file of the District Munsif, Attur.

3. The learned counsel for the petitioner submitted that since there was a civil dispute between the petitioner and the fifth respondent herein, the petitioner has filed a civil suit in O.S.No.164 of 2018 on the file of the District Munsif Court, Attur for declaration and injunction and the same is pending. Without impleading the petitioner as a party and without citing the pendency of the civil suit, the fifth respondent has filed a writ petition in W.P.No.8626 of 2023 and this Court by an order dated 20.03.2023 disposed of the said writ petition and directed the Tahsildar/fourth respondent herein



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to conduct survey in respect of the subject property. Subsequently, the Tahsildar vide order dated 30.07.2023 rejected the claim of the fifth respondent as there is a civil suit pending between the parties. Aggrieved by the same, the fifth respondent preferred an appeal before the third respondent. The third respondent, by the impugned order dated 19.01.2024 directed the fourth respondent to conduct survey in respect of the subject property. The learned counsel for the petitioner further submitted that when the matter is pending before the Civil Court, the Revenue authorities have no power to entertain and adjudicate upon the same. Therefore, the impugned order is liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court by an order dated 20.03.2023 in W.P.No.8626 of 2023 has directed the fourth respondent herein to conduct the survey in respect of the subject property. However, without challenging



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the aforesaid order, the petitioner is before this Court, which is not permissible.

5. Admittedly, the fifth respondent has filed a writ petition in W.P.No.8626 of 2023 and this Court by an order dated 20.03.2023 directed the fourth respondent to conduct survey. However, the petitioner has not challenged the said order, but contended that since civil suit is pending, the Revenue authorities have no power to conduct the survey.

6. It is seen that in the suit in O.S.No.164 of 2018, no stay or injunction has been granted by the competent civil Court to prevent the Revenue Authorities to conduct survey in respect of the subject property. However, this Court in W.P.No.8626 of 2023 has given specific directions to the authority concerned to conduct survey in respect of the subject property. Hence, mere conducting survey will not affect the rights of the petitioner to



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agitate the dispute pending before the Civil Court and also mere filing of the civil suit will not prevent the Revenue authorities to conduct survey.

7. In the light of above facts and circumstances, the writ petition is dismissed. However, the petitioner is at liberty to work out his remedy before the Civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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P.VELMURUGAN, J.

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