



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.513 of 2023

and

C.M.P.No.4883 of 2023

N.Muthukumaar

... Appellant

Vs.

1.The District Revenue Officer,
Coimbatore – 641 018.

2.The Revenue Divisional Officer,
Coimbatore – 641 018.

3.The Thasildar,
Sulur,
Coimbatore – 641 402.

4.A.Easwaran

5.R.Ramasamy

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 25.01.2023 passed in W.P.No.12668 of 2021.



For Appellant : Mr.E.K.Kumaresan
For R1 to R3 : Mr.A.Selvendran
Special Government Pleader
For R4 & R5 : Mr.G.Murugendran

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The Updating Registry Scheme (UDR) patta proceedings decided by the District Revenue Officer, Coimbatore in proceedings dated 12.05.2021 was under challenge in the writ petition. The Writ Court disposed of the writ petition with the following directions:

“17. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- *That the impugned order in Na.Ka.5703/2020/E1 dated 12.05.2021 shall be kept in abeyance till both parties or either of the parties approach the civil court and get a declaration decree from the civil court.*
- *It is for the petitioner or for the private respondents to approach the civil court to file proper civil suit where they can seek for appropriate relief to demarcate the*



boundaries of their respective portion of the property.

- *Till the civil suit is decided one way or the other, as an interim arrangement made during the pendency of the civil suit at the instance of either of the party, the properties said to have been purchased by the petitioner or claimed to have been purchased by the petitioner shall not be encumbered by the petitioner and no permanent structure shall be put up by the petitioner in the said 1/3rd portion of the property said to have been allotted to the petitioner.”*

2. Admittedly, the disputed issues exist between the appellant and the contesting private respondents 4 and 5. Such disputed issues cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India. Power of judicial review cannot be expanded for adjudication of disputes of civil nature.

3. In the present case, the District Revenue Officer passed an order in UDR patta proceedings. In the event of existence of civil disputes between the parties, such changes are to be effected only after the disposal of civil litigations, if any pending and in the absence of litigations, the parties are to be relegated to approach the Civil Court of Law for the purpose of



crystallisation of civil rights in the manner known to law.

4. Therefore, we are in agreement with the decision taken by the Writ Court in paragraph 17. However, the learned counsel for the appellant brought to the notice of this Court that certain observations curtailing the right of the appellant would affect all further proceedings, if any initiated either before the Civil Court or before the Appellate Authority. Thus, we are inclined to clarify that all such observations touching upon civil rights of the parties need not be considered. In other words, in the event of instituting civil suit or an appeal before the Competent Appellate Authority, such Court or the Appellate Authority are bound to decide the issues independently based on the documents and evidence and uninfluenced by the observations made in the writ petition order touching the civil rights of the parties.

5. With these clarifications, the parties are at liberty to approach the appellate authority or the civil Court as the case may be.

6. Accordingly, the Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.



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[S.M.S., J.] [K.R.S., J.]
27.03.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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