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W.P.No.11982 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.11982 of 2018

B. Raman @ Tamil Prabhakaran S/o. Beeman (late)

... Petitioner

Vs.

1. The District Collector,
Dharmapuri,
Dharmapuri District.

2. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

3. The Revenue Divisional Officer,
Dharmapuri Taluk,
Dharmapuri District.

4. The Village Administrative Officer,
Mookanur Village,
Dharmapuri Taluk,
Dharmapuri District.

5. Sagadevan S/o. Samaya Gounder

..... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd



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respondent in his proceedings No.Na.Ka/3016/2016A2 dated 12.06.2016 and to quash the same and consequently direct the 2nd respondent to allow the petitioner to remove the trees which were cut down and lying in the petitioner's lands and also allow the petitioner to cut down the trees in Survey Nos.491/6, 492/9, 495/4, 496/11, 496/8, 496/9, 491/9, 492/10, 492/8 of Thinnapatti Village, Mookkanur Post, Dharmapuri District as sought by the petitioner in his representation dated 26.05.2016.

For Petitioner : Mr. A. Kumar

For Respondents : Mr. G. Krishna Raja
Additional Government Pleader
[for R1 to R4]

Mr. P. Valliappan, Standing Counsel
for M/s. PV Law Associates
[for R5]

ORDER

The memo issued by the Tahsildar, Dharmapuri Taluk and District vide Proceedings dated 12.06.2016 is sought to be quashed by the present Writ proceedings.

2. The petitioners states that the lands in Survey Nos.491/6, 492/9, 495/4, 496/11, 496/8, 496/9, 491/9, 492/10, 492/8 comprised in Survey



No.751 are in his possession and enjoyment along with some other lands in Patta No.442 and 880 also. The petitioner developed the subject lands by planting sappotta and teak wood trees. The petitioner is carrying out agricultural activities in the said lands. He applied for patta and admittedly a civil dispute is pending between the petitioner and the 5th respondent. The claim of the petitioner is that he is in possession and enjoyment of the subject property and therefore, the trees cut and kept in the said lands are permitted to be removed by the petitioners. However, the Tahsildar passed an order stating that the civil dispute is pending between the parties and therefore, the claim of the petitioner for grant of patta or to remove the trees cannot be granted.

3. The learned Senior Counsel appearing on behalf of the 5th respondent would oppose by stating that a suit for specific performance was decreed in favour of the 5th respondent in 2003 and the execution proceedings are pending on the file of Subordinate Court, Dharmapuri in R.E.P. No.38 of 2011. When the suit for specific performance decreed in favour of the 5th respondent and the E.P. Proceedings are pending, the petitioner is not entitled to seek order or any other relief from the hands of



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the Tahsildar and thus, there is no infirmity found in the impugned order and hence this Writ petition is to be rejected.

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4. Disputed issues of civil nature cannot be adjudicated in the Writ proceedings. Though the learned counsel for the petitioner would state that an ex parte decree for specific performance was obtained and the execution proceedings are pending. That being so, the relief sought for in the present Writ petition cannot be granted. Civil rights are to be established before the competent Civil Court of law and more so, in the present case, civil litigations are pending between the parties. Thus, the parties are at liberty to work out their remedy before the competent Civil Court of law in the manner contemplated. Therefore, this Court do not find any infirmity in respect of the order impugned, passed by the Tahsildar.

5. With these observations, this Writ petition stands dismissed. No order as to costs.

09.01.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
mjs

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Dharmapuri District.

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S.M.SUBRAMANIAM, J.

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