



WEB COPY

W.P.No.9905 of 2024
and W.M.P.No.10917 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.9905 of 2024
and W.M.P.No.10917 of 2024

1.A.Geetha

2.R.Savitha

...

Petitioners

versus

1.The District Revenue Officer,
Tiruppur, Tiruppur District.

2.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

3.The Tahsildar,
Tiruppur North Taluk,
Tiruppur District.

4.P.Theerthangirikumar

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of order dated 17.08.2023 *vide* proceedings in Ni.Mu.No.04937/2022/J1 on the file of the first respondent and quash the same.

For Petitioners : Mr.K.Myilsamy

For Respondent Nos.1 to 3 : Mr.P.Sathish

Additional Government Pleader

For Respondent No.4 : Mr.D.Veerasekaran



ORDER

Challenge has been made to the order of the District Revenue Officer

allowing the appeal as against the order of the Revenue Divisional Officer.

2. Heard the learned counsel for the petitioners, the learned Additional Government Pleader for the respondents 1 to 3, the learned counsel for the fourth respondent and perused the materials available on record.

3. It the case of the petitioners that they have purchased an extent of 75 cents in Survey No.13/2G and the fourth respondent has purchased another 5 cents. As there was a dispute with regard to the identification of the property and sub-division proceedings, the Revenue Divisional Officer has passed an order directing the parties to approach the Civil Court, since suits in O.S.No.333 of 2019 and O.S.No.290 of 2019 are pending for the relief of permanent injunction by each side. Challenging the said order, a revision has been filed before the District Revenue Officer. The District Revenue Officer has set aside that order and passed an impugned order directing sub-division in respect of 5 cents purchased by the fourth



respondent and 75 cents in favour of the petitioners in the Survey Numbers.

Aggrieved over the same, the present writ petition is filed.

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4. On perusal of the entire impugned order and the writ petition, it appears that the dispute is only with regard to the identification of the property. Of course, the revenue authorities were issued sub-division orders based on the survey. Admittedly, the civil suits are pending.

5. Since the dispute is primarily with regard to the identification of the property, let the writ petitioners establish their rights in the Civil Court by filing an appropriate application. Already, suits for permanent injunction have been filed. If advised, the writ petitioners may seek relief of declaration in the pending suits.

6. In such view of the matter, this Court is not inclined to set aside the order of the first respondent / District Revenue Officer. However, it is made clear that the Civil Court shall decide the rights of the parties independently on the basis of the evidence adduced by the parties.



7. With the above observations, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The District Revenue Officer,
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Tiruppur, Tiruppur District.

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N.SATHISH KUMAR, J.

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