



W.A.(MD)No.1968 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.A.(MD)No.1968 of 2021
and C.M.P.(MD)No.8861 of 2021**

Subburaj

... Appellant

versus

1. The District Revenue Officer,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Periyakulam,
Theni District,
Theni.

3. The Tahsildar,
Periyakulam Taluk,
Periyakulam,
Theni District.

4. Ravi Kumar

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the impugned order passed in W.P.(MD)No.4593 of 2021 dated



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WEB 05.03.2021.

For Appellant : Mr.P.M.Vishnuvarthanan
For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader
For R4 : Mr.S.Saravana Kumar

JUDGMENT

(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The 4th respondent herein filed a petition before the second respondent for transfer of patta. Based on the said petition, the second respondent issued a notice to the appellant herein. After receipt of the notice, the appellant did not appear before the second respondent. The second respondent, by order dated 05.02.2014, passed an order in favour of the 4th respondent. Challenging the same, the appellant herein filed a revision before the first respondent. The first respondent, by order dated 11.01.2021, dismissed the revision filed by the appellant herein, confirming the order passed by the second respondent dated 05.02.2014. Challenging the same, the appellant filed a writ petition before the Writ Court in W.P.(MD)No.4593 of 2021. This Court, after hearing both sides, passed the following order:



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“3. The proper course for the petitioner in the facts and circumstances of the case is to approach the Civil Court and assail the orders of the revenue authority and not before this Court in a writ jurisdiction. It is needless to mention that in cases where settlement of *lis qua* parties involving investigation of facts, it is not within the jurisdiction of this Court to enter into the factual realm and sort out the controversies as between the parties. This Court cannot undertake adjudication of various factual disputes *qua* parties and render any findings. It is for the Civil Court to consider the rival claims of the parties and as far as the petitioner is concerned, he has to work out his remedy before a Civil forum and not before this Court.”

2. Though the appellant was given an opportunity by the second respondent, he did not avail the same. Further, on a perusal of the entire materials and the order dated 11.01.2021 passed by the learned Single Judge in W.P.(MD)No.4593 of 2021, it is seen that there is a dispute with regard to the title over the property. Either the Writ Court or the Revenue Court cannot get into the question of title over the property. The competent Court is the Civil Court. Therefore, the appellant is at liberty to workout his remedy in the



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manner known to law and there is no reason to interfere with the order passed by the writ Court.

3. Accordingly, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
01.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Theni.
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Theni District,
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Periyakulam Taluk,
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Judgment made in
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