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C.R.P.(MD)No.2261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P (MD) No.2261 of 2023

and

CMP (MD) No.11605 of 2023

Meenal : Petitioner/Defendant

Vs.

Krishnan : Respondent/Plaintiff

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to strike off the plaint in OS No.56 of 2022 on the file of the District Munsif Court, Paramakudi.

For Petitioner : Mr.S.Satheesh Kumar

For Respondent : Mr.PTS.Narendravasan

O R D E R

This civil revision petition has been filed seeking to strike off the plaint in OS No.56 of 2023 on the file of the District Munsif Court, Paramakudi.

2.The facts in brief:-

A suit in O.S No.56 of 2023 was filed by the respondent herein seeking the relief of declaration and



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for permanent injunction and for costs. Pending the proceedings, this revision has been preferred with the following facts:-

The respondent namely the plaintiff is the paternal Uncle. There was a partition between the father of the petitioner and his brother, some three decades back. In the partition, survey No.11/3C was allotted to the petitioner's father. Patta was also transferred in the father's name. The other brothers and the petitioner's father executed a sale deed in favour of the petitioner's daughters without any valid title. When an attempt was made by the respondent to survey the land in Survey No.13/3C, it came to his knowledge that patta was changed in the name of one Pandi. So he preferred appeal before the Revenue Divisional Officer, Paramakudi to cancel the patta. He also filed WP(MD)No.12974 of 2021 not to survey the land till the matter is disposed by the District Revenue Officer. Another writ petition was filed in WP(MD)No.14487 of 2021 seeking speedy disposal of the proceedings pending before the Revenue Divisional Officer, Paramakudi. That was also allowed. But the respondent has not preferred any appeal before the Revenue Divisional Officer, Paramakudi. But patta was restored to the original position namely his father's



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name. The suit was filed after 15 days from the date of the order of the RDO, Paramakudi. Remedy available to the respondent is only to file appeal before the DRO. Only after filing the execution petition in IA No.2 of 2023, the respondent filed appeal before the RDO, Ramanathapuram. So, the suit is not at all maintainable.

4.Heard both sides.

5.It is a title issue between the parties. Now the petitioner claims that the original patta, which is standing in the name of his father, later transferred in the name of one Pandi. He took the proceedings to set the records right. The patta restored to its original position. The respondent ought to have filed the appeal before the DRO against that order. So without filing the appeal remedy, he filed the suit seeking declaration.

6.This court is completely at loss to understand the reasoning of the petition. Patta proceedings is entirely different one it will not confer any title to any one. This is the settled position of law. Revenue authorities cannot decide the title. It is for the civil court to decide the title and possession. So the ground, on which this petition filed seeking an order to reject the plaint is completely misconceived one.



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7.As mentioned above, now it is stated by the petitioner himself that the respondent filed appeal against the patta order passed by the RDO to DRO. So that proceedings may go on. But the title can be tried and decided only by the competent civil court. So the respondent has rightly invoked the jurisdiction of the civil court to decide the issue.

8.So I find no reason to entertain this petition. As stated above, it is only misconceived one. None of the grounds mentioned in Order 7 rule 11 CPC stand attracted.

9.In the result, the civil revision petition deserves dismissal and accordingly, it is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

07/02/2024

Index:Yes/No
Internet:Yes/No
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To,

The District Munsif,
Paramakudi,
Ramanathapuram District.



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G.ILANGOVAN, J

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