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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.A.No.1368 of 2025
and
C.M.P.No.10544 of 2025**

T.Kulanthaivelu

... Appellant

Vs.

1. K.Velusamy
S/o.Kandasamy Gounder
2. The Additional District Magistrate cum
District Revenue Officer
Office of the District Revenue Officer
Coimbatore District
Coimbatore.
3. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Coimbatore North Sub-Division
Coimbatore District
Coimbatore.
4. The Tahsildar
Annur Taluk
Annur, Coimbatore District.

... Respondents



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Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 24.02.2025 passed by Hon'ble Court in W.P.No.11907 of 2024.

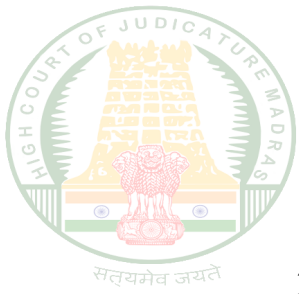
For Appellant	:	Mr.V.Raghavachari Senior Counsel instructed by Mr.L.P.Shanmugasundaram
For Respondents	:	Mr.Naveen Kumar Murthi representing Mr.S.B.Viswanathan for R1 Mr.Vadivelu Deenadayalan Additional Government Pleader for R2 to R4

J U D G M E N T

(Judgment of the Court delivered by S.M.SUBRAMANIAM.J.,)

Under assail is the writ order dated 24.02.2024 passed in W.P.No.11907 of 2024.

2. The fourth respondent in the writ petition is the appellant before this Court. The first respondent preferred the writ petition challenging an order dated 19.12.2023 passed by the District Revenue Officer, Coimbatore.

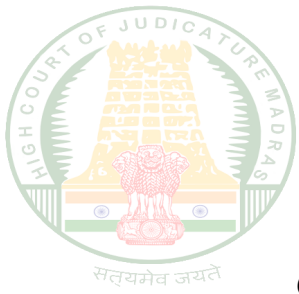


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3. The facts in a nutshell raised between the parties would show that there is an error in identifying the cart track which is to be left open for public usage.

4. Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of the appellant would contend that the application seeking correction of survey number by identifying cart track was allowed by the District Revenue Officer after conducting a detailed enquiry and by verifying the documents including the partition deed executed between the parties. Accordingly, the District Revenue Officer in proceedings dated 19.12.2023 held that the cart track situate in S.No.556/1 at Kuppepalayam Village, Annur Taluk and accordingly, directed for effecting changes in the revenue records.

5. Mr.Naveen Kumar Murthi, learned counsel for first respondent would oppose by stating that a civil suit has been instituted for permanent injunction in O.S.No.60 of 2023, which is pending on the file of the District Munsif-cum-Judicial Magistrate at Annur. This suit is admittedly for permanent injunction.



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6. Learned single Judge held that the disputes have to be resolved in the civil suit and consequently, allowed the writ petition by setting aside the order of District Revenue Officer. It is contended that since the civil suit is pending, the appellant instead of establishing his case before the Civil Court has chosen to file the present writ appeal merely based on the application submitted by him for correction of survey number in respect of cart track. It is contended that there is no cart track at all and at no point of time, any such cart track was identified in the subject property. That being so, the appellant is attempting to create a new cart track which would offend the civil rights of the first respondent.

7. This Court heard the parties to the *lis* on hand.

8. Disputed facts relating to the civil rights cannot be adjudicated in a writ proceedings in exercise of powers of judicial review under Article 226 of the Constitution of India. Hon'ble High Court cannot conduct a roving enquiry by scrutinizing original documents for the purpose of crystallizing property rights of the parties. Such an endeavor is to be made before the Civil Court in a trial nature proceedings.



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9. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the process through which a decision has been taken in consonance with Statute and Rules but not the decision itself. Therefore, the argument advanced between the parties requesting the High Court to scrutinize the original documents would be of no avail to them since it requires adjudication of facts.

10. However, looking into the spirit of order of the District Revenue Officer dated 19.12.2023, an elaborate enquiry was conducted by affording opportunity to parties. The District Revenue Officer has scrutinized the documents and conducted an enquiry and finally formed an opinion that the cart track is existed as per the document but the said cart track situate in S.No.556/1 and not in S.No.556/2. Consequently, the District Revenue Officer directed the subordinate officials to correct the mistake in the revenue records and make entries that S.No.556/1 Kuppe palayam Village, Annur Taluk is cart track, which is to be left open for public usage.



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11. However, learned counsel for respondents would forcibly contend that in the event of forming a final opinion regarding the existence of cart track, it would infringe the civil rights of the first respondent. This Court, in such a circumstance is expected to adopt a pragmatic approach by paving way for the parties to establish their respective civil rights through documents and evidences before the civil Court of law.

12. The suit for permanent injunction would be sufficient or not is the decision to be taken between the parties. It is left open for the parties to amend the suit or institute a fresh suit, if required for the purpose of establishing their civil rights. Under such circumstances, it is preferable to go by the order of the District Revenue Officer dated 19.12.2023, till such time, parties establish their respective civil rights before the competent Civil Court of Law. After reaching finality in the civil dispute, the parties may approach revenue authorities for making necessary entries in the revenue records in the manner known to law. It is made clear that till such time, parties resolve the dispute through civil Court of law, the said cart track will remain in S.No.556/1 and the said land is to be left open for



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public usage. It is also made clear that the Civil Court, while dealing with the issues, shall consider the merits of the case independently, uninfluenced by the observations made by the writ Court as well as by this Court in the order with reference to the facts and circumstances.

With these directions, Writ Appeal stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q, J.]
16.09.2025

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Speaking

Index : Yes

Neutral Citation : Yes / No

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