



W.P.(MD)No.17384 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.17384 of 2019

and

W.M.P(MD)Nos.13900 & 23483 of 2019

Perumal

.... Petitioner

/Vs/

1. The District Revenue Officer
Pudukkottai Dist

2. The Tahsildar,
Kulathur Taluk, Pudukkottai Dist

3. Nagalakshmi

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ni.Mu.6547/2014 (D3) dt. 24.12.2018 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to conduct the fresh enquiry giving opportunity to the parties.



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For Petitioner : Mr.M.Ramu
For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader
For R3 : Mr.A.Mohan

ORDER

The writ petition has been filed challenging the order of the District Revenue Officer proceedings in the revision preferred by the third respondent.

2. It is the case of the writ petitioner that he was not possessed of the relevant material documents to support his contentions at the time when the impugned order came to be passed. According to learned counsel for the petitioner, now the petitioner is possessed of the relevant documents and therefore, he seeks for an opportunity to be given to the petitioner by remitting the matter to the first respondent for fresh consideration.

3. However, the learned counsel appearing for the third respondent would submit that the petitioner has already filed a civil suit in O.S.No.



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108 of 2022 before the Sub-Court, Keeranur, where, he has sought for permanent injunction and even in the said suit, the petitioner has challenged the impugned proceedings of the District Revenue Officer. Therefore, the learned counsel for the third respondent would submit that the writ petition is not maintainable.

4. It is however brought to my notice that the suit appears to have been dismissed for default and in any event it is only a suit for permanent injunction. The first respondent after considering the available documents has allowed the revision preferred by the third respondent and clearly giving liberty to the parties if aggrieved to approach the competent civil Court. When the first respondent passed the considered order on the basis of the materials available before him, the order cannot be set aside on the ground that subsequent to the order, material documents can be discovered and admittedly, the said documents were not before the first respondent and available for him to consider before passing the order impugned in the writ petition. However, the right of the writ petitioner also cannot be foreclosed since subsequently, he has come into possession of some material documentary evidence which



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again has to be tested only before competent civil court and not in summary manner by the revenue authorities. Therefore, giving liberty to writ petitioner to file a comprehensive suit for declaration of his right, the order impugned in the writ petition is confirmed giving liberty to the writ petitioner to approach the competent civil court and seek remedy. It is made clear that the observations or findings by revenue authorities shall not bind the civil court and the Civil Court can independently adjudicate the right to the parties.

5. In view of the above observations, the writ petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

NCC : Yes / No

am

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To

1. The District Revenue Officer
Pudukkottai District.
2. The Tahsildar,
Kulathur Taluk,
Pudukkottai District

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P.B. BALAJI, J.
am

Order made in
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Dated:
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