



W.P.(MD) No.30164 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.30164 of 2024

and

W.M.P(MD)Nos.25379 and 25380 of 2024

Karuppusamy

... Petitioner

vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Sivagangai-630 561.

2.The Tahsildar,
Office of the Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.The Zonal Deputy Tahsildar,
Office of the Tahsildar,
Sivagangai Taluk,
Sivagangai-630 561.

4.Nondisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire relevant



W.P.(MD) No.30164 of 2024

WEB COPY

records of the impugned order passed by the first respondent vide Na.Ka.A3/1793/2024, dated 22.11.2024 and quash the same as illegal and without jurisdiction of the first respondent who declare as null and void of the petitioners two registered settlement document Nos.1984/2020, dated 10.08.2024 and 685/2024, dated 15.02.2024 same impugned order with decided title against pending civil suit in O.S.No.230 of 2024 on the file of the Subordinate Court, Sivagangai with suppressed a written statement by the petitioner, dated 06.11.2024 consequently, direct to issue patta to the petitioner based on the application dated 21.02.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R3

ORDER

The petitioner challenges the impugned proceedings of the first respondent, dated 22.11.2024.

2.It is also the specific case of the petitioner that he has filed a suit for declaration in the competent civil Court to declare his title. However, the



W.P.(MD) No.30164 of 2024

WEB COURT

petitioner is seriously prejudiced by the observations made by the first respondent giving findings regarding the registered documents being null and void.

3.I find that the impugned order dated 22.11.2024 has been passed after affording an opportunity to the petitioner and a detailed order has been passed by the first respondent. However, it is the grievance of the petitioner that despite the written submissions filed by the petitioner, there is not even a whisper about the contentions taken in the said written submissions while passing the impugned order.

4.In my considered opinion, non-consideration of the written submissions is only a ground for appeal and the petitioner cannot bypass the statutory appeal remedy and approach this Court, seeking a writ jurisdiction to be exercised.

5.In the light of the above, it is made clear that the observations made by the first respondent, indicating that the settlement deeds are null and void, would not be binding on the petitioner since the revenue authorities have no jurisdiction or power to set aside the two registered documents. Be that as it may, the



W.P.(MD) No.30164 of 2024

contentions raised in the writ petition can always be canvassed before the appellate authority. The petitioner shall file a statutory appeal within a period of four weeks from the date of receipt of a copy of this order. The District Revenue Officer, Sivagangai, shall dispose of the said appeal after giving an opportunity to the fourth respondent to participate and canvass his claims therein. The said appeal, if filed within a period of four weeks, shall be taken on file without putting the issue of limitation against the petitioner and shall be decided by the District Revenue Officer, Sivagangai, within a period of eight weeks thereafter, on merits and in accordance with.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No



W.P.(MD) No.30164 of 2024

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W.P.(MD) No.30164 of 2024

P.B.BALAJI, J.

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W.P.(MD) No.30164 of 2024

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