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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No. 827 of 2025
CNR:{HCMA010550482025}

and

WA No. 835 of 2025
CNR:{HCMA010550472025}
and

CMP Nos. 7070 and 7084 of 2025

WA No.827 of 2025:

1.Sundaram
S/o.Vaithi Gounder, Kariyanoor,
Kaatuvalavu, Kannatheri Village,
Sangagiri Taluk, Salem.

2. Valeeswaran
S/o Mani,
Door No.5/448, Muniyappan Koil Street,
Katturkaatukoottai,
Amani Kondalampatti, Salem.

Appellants

Vs

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1.S.Kandasamy
S/o Savi Gounder,
Old Door No.8/102-1, New No.9/298
Korakuttepatti, Katchupalli Village,
Edapadi Taluk, Salem District.

2.The District Collector
Salem District, Salem.

3.The Superintendent of Police
Salem District, Salem

4.The District Revenue Officer
Salem District, Salem.

5.The Revenue Divisional Officer
Sangagiri,
Salem District.

6.The Tahsildar
Edapadi Taluk, Edapadi,
Salem District.

7.The Inspector of Police
Konganapuram Police Station,
Konganapouram,
Salem District.

8.The Assistant Engineer
(Operation and Maintenance),
TANGEDCO, Sannantheri,
Salem District.

9.The Village Administrative Officer
Katchupalli Village, Edapadi Taluk,
Salem District.

Respondents

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WA No.835 of 2025:

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S/o.Vaithi Gounder, Kariyanoor,
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Sangagiri Taluk, Salem.

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Salem District.

9.The Village Administrative Officer
Katchupalli Village, Edapadi Taluk,
Salem District.

10.The Sub-Registrar,
Magudeanchevadi
Magudeanchevadi Post
Sangagiri Taluk, Salem.

Respondents

PRAYER: Appeals filed under Clause 15 of the Letters Patent to set aside the common order dated 21.2.2025 passed in W.P.Nos.127 and 2916 of 2023.

For Appellants: Mr.V.Raghavachari
Senior Counsel
for Mr.C.Prabakaran

For Respondents: Mr.C.K.M.Appaji
for R1

Mr.M.Roshan Atiq
Addl. Govt. Pleader
for R2, R4 to R6, R8 & R9
in WA No.827/2025 and
for R2, R4 to R6, R8 to R10
in WA No.835/2025
Mr.N.Palanivel
Govt. Advocate (Crl.Side)
for R3 & R7

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COMMON JUDGMENT
(Delivered by *G.Arul Murugan,J.*)

These intra-Court appeals arise out of the common order dated 21.2.2025 in W.P.Nos.127 and 2916 of 2023 and are, therefore, heard analogously and disposed of by this common judgment.

2. For the sake of convenience, the parties are referred to as per their rank in W.P.No.127 of 2023.

3. Heard Mr.V.Raghavachari, learned Senior Counsel for the appellants; Mr.C.K.M.Appaji, learned counsel for the first respondent; Mr.Roshan Atiq, learned Additional Government Pleader for respondents 2, 4 to 6, 8 and 9 in both the appeals and respondent No.10 in W.A.No.835 of 2025 and Mr.N.Palanivel, learned Government Advocate (Criminal Side) for respondents 3 and 7.

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4. The writ petitioner had filed two writ petitions: One for declaration to declare the eviction order passed against him and the consequential eviction carried out are illegal and unconstitutional; and the other to enjoin the Sub Registrar from registering the sale deed presented by respondents 9 and 10.

5. The writ petitioner claims to be the original owner of the property through a registered partition deed dated 12.10.1990. Subsequently, the property was sold through various sale deeds. Respondent Nos.9 and 10 claim to be purchasers of the property through sale deeds. The writ petitioner and his family members have filed a civil suit in O.S.No.81 of 2013 for declaration to declare the sale agreement and the sale deed as null and void and for permanent injunction. Respondents 9 and 10 have filed a civil suit in O.S.No.235 of 2012 before the District Munsif Court, Sangagiri for permanent injunction and the said suit was subsequently transferred to the file of Sub-Court, Sangagiri and re-numbered as O.S.No.201 of 2013, wherein the relief of permanent injunction was amended for grant of mandatory injunction directing the writ petitioner and his family members to hand over possession of the

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property in favour respondent Nos.9 and 10. Admittedly, both the suits came to be dismissed by the judgment dated 11.12.2019. Aggrieved by the dismissal of the suit in O.S.No.81 of 2013, the writ petitioner and his family members have filed A.S.No.50 of 2022 and respondent Nos.9 and 10 have filed A.S.No.83 of 2020. Both the appeals are stated to be still pending.

6. When things stood thus, respondent No.9 has preferred a complaint on 12.9.2022 alleging that his possession and enjoyment was disturbed by the writ petitioner. He has also filed Crl.O.P.No.19676 of 2021 before this Court for police protection, which came to be disposed of on 9.6.2022 directing the police to enquire into the matter and to pass orders within a period of four weeks. Armed with the aforesaid order, the matter was referred to the Revenue Divisional Officer, who, by order dated 14.11.2022, directed the Tahsildar to put respondent Nos.9 and 10 in possession of the property and the said order was given effect to and the writ petitioner was evicted from the subject-property.

7. Aggrieved by the aforesaid action, writ petitions came to be

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filed. Taking note of the fact that when the matter is sub judice before the civil court in two appeal suits, the Revenue Divisional Officer has no jurisdiction or authority to entertain or go into the civil dispute, the learned Single Judge held that the order passed by the Revenue Divisional Officer directing to evict the writ petitioner from the property was without jurisdiction and allowed both the writ petitions and directed the authorities to restore the possession to the writ petitioner. Aggrieved by the same, these two appeals are filed.

8. From the perusal of the records, it is evident that respondents 9 and 10 have admittedly filed a suit initially seeking injunction and later on they have amended the relief seeking mandatory injunction to put them in possession of the property. The suit filed by them came to be dismissed. Aggrieved by the said dismissal, respondent Nos.9 and 10 have filed appeal suit, which is still pending before the first appellate court. Parallelly, the other appeal suit filed by the writ petitioner insofar as denying the relief of declaration to declare the sale deed as null and void is also pending before the first appellate court. Admittedly when the suit

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filed by respondent Nos.9 and 10 seeking possession came to be dismissed, only if respondent Nos.9 and 10 ultimately succeed in the appeal suit, then based on the civil court decree, if any, passed, the competent execution court would be in a position to put respondent Nos.9 and 10 in possession of the property.

9. However, when the appeal suits are still pending, the Revenue Divisional Officer, who has no authority to entertain any civil dispute sub judice before the court, had gone into the issue and interpreted the decree passed and had ultimately issued the impugned proceedings evicting the writ petitioner from the property. The learned Single Judge rightly finding that appeal suits are pending and the Revenue Divisional Officer has completely exceeded its jurisdiction had allowed the writ petitions directing the authorities to put back the writ petitioner in possession.

10. On an overall analysis, we do not find any error or infirmity in the order passed by the learned Single Judge. The learned Single Judge has also made it clear that the Court has not gone into the rights of the respective parties and it is left open to

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both the parties to raise all the grounds before the civil court, where the appeal suits are pending. When the learned Single Judge has relegated the parties to the lis to agitate their grievances before the civil court where the respective appeal suits are pending, we do not see any merit in these writ appeals.

11. Accordingly, the writ appeals are dismissed. However, we make it clear that any of the findings rendered by the learned Single Judge would not prejudice the right of any of the parties in the pending appeal suits.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)

27.10.2026

Index : Yes/No
Neutral Citation : Yes/No
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