

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.21497 of 2015

and

M.P.No.1 of 2015

Mr.B.T.Arasakumar

...

Petitioner

- Vs -

1. The Regional Deputy Tahsildar,
Office of the Tahsildar,
Thiruppur North,
Thiruppur.

2. J.Rajkumar

3.M.Venugopal

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the first respondent vide R.D.R.1029/2014/A6 dated 07.08.2014 and to quash the same and consequently directing the 1st respondent to transfer the patta in the name of the petitioner by passing appropriate order on petitioner representation dated 09.07.2015 in respect of the land in survey No.174/2, situated at Chettypalayam Village, Tiruppur Thaluk, Tiruppur District.

For Petitioner : Mr.E.Vijay Anand

For Respondents : Mr.Diwakar (R1)
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

2. It is seen from the records that the petitioner has filed a civil suit in O.S.No.339 of 2014 for permanent injunction on the file of learned Subordinate Judge, Tirupur. Though the suit is for permanent injunction but based upon the title, no relief can be granted during the pendency of the Civil suit.

3.This Court does not find any reason to interfere as the law is quite settled that the revenue authority is bound by the decision of the Civil Court. Though the suit is for permanent injunction, it is based upon the title. Thus, the decision rendered by the Civil Court is not only binding on the inter se parties but also on the revenue authorities.

4.In view of the same, this Writ Petition is disposed of by observing that the Civil Court has to decide the suit in O.S.No.339 of 2014, without reference to patta and based upon the Judgment and decree to be rendered by the Civil Court, liberty is given to the petitioner to approach the revenue authority in which case, it is certainly bound by the decision of the Civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

arr

To

The Regional Deputy Tahsildar,
Office of the Tahsildar,
Thiruppur North,
Thiruppur.

+1 cc to M/s.E.Vijay Anand, Advocate, sr.57946
+1 cc to The Government Pleader, sr.58098

ala co
kra 03/11/2015

W.P.No.21497 of 2015

WEB COPY