

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.15193 and 19405 of 2013

W.P.No.15193 of 2013:

Rathinam

...Petitioner

Vs.

1. The District Revenue Officer/
Additional District Magistrate,
Erode - 638 001,
2. The Revenue Divisional Officer,
Brough Road,
Erode - 638 011,
3. The Tahsildar,
Erode Taluk,
Erode District,
4. V.Sadasivam

...Respondents

W.P.No.19405 of 2013:

Rathinam

...Petitioner

Vs.

1. The Commissioner,
Erode Corporation,
Erode - 638 001,
2. District Revenue Officer/
Additional District Magistrate,
Erode - 638 001,
3. The Revenue Divisional Officer,
Brough Road,
Erode - 638 011,

4. The Tahsildar,
Erode Taluk,
Erode District,

5. V.Sadasivam

...Respondents

PRAYER: Writ Petition in W.P.No.15193 of 2013 is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order dated 3.4.2013 made in Na.Ka.No.23612/2012/U2 dated 3.4.2013 passed by the 1st respondent confirming the order dated 11.06.2012 made in Na.Ka.No.714 of 2012 passed by the 2nd respondent, quash the same and consequently direct the respondents 1 to 3 to restore the mutation entries relating to the lands in R.S.No.79/1 measuring an extent of 44 cents, Surampatti village, Erode District exclusively in the name of the petitioner.

Writ Petition in W.P.No.19405 of 2013 is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 15.5.2013 made in Na.Ka.E3/2066/2013 passed by the 1st respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's right to property over an extent of 44 cents comprised in R.S.No.79/1, Surampatti village, Erode District.

For Petitioner : Mr.N.Manokaran
in both W.Ps

For Respondents : Ms.P.Rajalakshmi, Govt.Advocate for
RR.1 to 3 in W.P.No.15193 of 2013
and RR.2 to 5 in W.P.No.19405 of 2013
Mr.R.Subramanian for R.4 in W.P.No.
15193 of 2013 and R.5 in W.P.No.
19405 of 2013
Mr.Raja Mathivanan, Standing Counsel
for R.1 in W.P.No.19405 of 2013

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ORDER

By consent of the learned counsel appearing on either side, the writ petitions itself are taken up for disposal at the admission stage.

2. In both the writ petitions, the orders passed by the revenue officials are put into challenge. It is not in dispute that the petitioner has filed a comprehensive civil suit in O.S.No.64 of 2012 on the file of Sub-Court, Erode. It is trite that decision of a revenue authority is subject to the decision of the jurisdictional Civil Court.

3. Therefore, the writ petitions stand disposed of by directing the Sub-Court, Erode to dispose of the civil suit in O.S.No.64 of 2012 pending on its file within a period of nine months from the date of receipt of copy of this order. While doing so, the said Court shall not take into consideration the proceedings of the revenue officials and shall decide the issues independently. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Erode Corporation,
Erode - 638 001,
2. District Revenue Officer/
Additional District Magistrate,
Erode - 638 001,
3. The Revenue Divisional Officer,
Brough Road, Erode - 638 011,
4. The Tahsildar,
Erode Taluk, Erode District,

- 1 CC to Mr.Raja Mathivanan, Advocate SR.No. 53222
2 CCs to Mr.V.P.K. Gowtham, Advocate SR.No. 53279, 53280
2 CCs to Mr.N.Manokaran, Advocate SR.No.53342, 53343

W.P.Nos.15193 and 19405 of 2013

PSI (01.10.2015)