



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2015

CORAM

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.13892 of 2015

and

M.P (MD) No.2 of 2015

01.V.Jeyaraman
02.J.Markandeyan
03.K.Malar
04.P.Uma

...Petitioners

Vs.

01.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

02.The Tashildar,
Thiruvadanai Taluk,
Ramanathapuram District.

03.S.Nagoorammal

... Respondents

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus to call for the records relating to the entire proceedings of the first respondent in Na.Ka.A5 0136/2014, dated 24.02.2014 and to quash the same and forbear the respondents 1 and 2 from proceeding with the enquiry relating to the issue of patta or modification of patta Nos.301, 302 and 303 pertaining to Survey Nos.166/40, 166/77 and 166/78 for an extent of each 00080 square metres in Andivayal Village, Kadambakudi Group, Thiruvadanai Taluk, Ramanathapuram District.

For petitioners : Mr.R.Sevugaraja for
M/s.Mother Land Associates

For R-1 & R-2 : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus to call for the records relating to the entire proceedings of the first respondent in Na.Ka.A5 0136/2014, dated 24.02.2014 and to quash the same and forbear the respondents 1 and 2 from proceeding with the enquiry relating to issuance of patta or modification of patta Nos.301, 302 and 303 pertaining to Survey Nos.166/40, 166/77 and 166/78 to an extent of each 00080 square metres in Andivayal Village, Kadambakudi Group, Thiruvadanai Taluk, Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 & 2.



3. By consent, this Writ Petition itself is taken up final disposal.

4. The case of the petitioner is that they are in peaceful possession and enjoyment of the land in Survey Nos.166 of Andivayal Village, Kadambakudi Group, Ramanathapuram District. Considering the fact that the petitioners are in possession for a long period of more than 25 years, the second respondent issued patta in the name of Pappu, who is the wife of the first petitioner herein. The said Pappu passed away on 10.06.2008 leaving the petitioners as legal heirs. While so, on 03.01.2013, the third respondent submitted a petition to the first respondent to issue patta in her favour in respect of the land in which the petitioners are in possession and enjoyment for a long time. Based on the said petition, the first respondent has also issued impugned notice to the petitioners herein directing them to appear for enquiry on 10.03.2014 at 3.00 p.m. After receiving the said notice, the petitioners entered appearance and they filed their objections. After filing objections, the petitioners also filed three civil suits in O.S.Nos.61, 62 and 63 of 2015 on the file of the District Munsif, Thiruvadanai, Ramanathapuram District against all the respondents. After filing suits, the same was informed to the first respondent through memo dated 20.07.2015 requesting him to stop the further proceedings with regard to the enquiry proceedings initiated against the petitioners, but the first respondent has proceeded with the enquiry proceedings.

5. From the averments made in the petition it can be seen that civil suits have been filed by the petitioners after filing objections before the first respondent. The main apprehension of the petitioners is that in the enquiry proceedings, the first respondent may deal with the title dispute and therefore, enquiry has to be quashed.

6. I am of the considered view that the enquiry proceedings cannot be quashed at this stage and the petitioners cannot presume that the first respondent will deal with the title dispute between the petitioners and the third respondent and order will be passed. In the event of an order being passed by the first respondent dealing with the title dispute, the petitioners are always at liberty to approach this Court to challenge the said order. There is no interim order from the civil Court as against the respondents herein. Hence, I am of the opinion that there is no bar to proceed with the enquiry.

7. Hence, I do not find any merit in the Writ Petition and the same is liable to be dismissed and accordingly, the Writ Petition is dismissed at the admission stage. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/



1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tashildar,
Thiruvadanai Taluk,
Ramanathapuram District.

+1cc to Special Government Pleader in SR.No. 44610

TS/13.08.2015/3P - 4C KBM/SAR -II

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