



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition(MD)No.22464 of 2015

and M.P(MD)No.1 of 2015

Ramamurthy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Illuppur Taluk,
Pudukkottai District.

2.The Executive Officer (Fit person),
A/m. Bagavathiamman Thirukovil,
Keeranur,
Office at Court complex,
Pudukkottai Town,
Pudukkottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the first respondent from passing any order in patta transfer appeal proceedings in Na.Ka.No.A3/4211/2015 dated 04.11.2015 relating to S.F.No.234/7C of Mathiyanallur Village till the disposal of the civil suit in O.S.No.275 of 2013 on the file of the Sub Court, Pudukkottai.

For Petitioner

: Mr.K.Baalasundharam

For R - 1

: Mr.M.Murugan

Government Advocate

For R - 2

: Mr.G.Mathavan

ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the first respondent and Mr.G.Mathavan, learned counsel takes notice for the second respondent.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner seeks for a Mandamus directing the first respondent not to proceed with the appeal preferred by the second respondent arising out of a patta proceedings till the disposal of the



civil suit in O.S.No.275 of 2013 pending on the file of the Sub Court, Pudukkottai.

4. It is seen that in respect of the subject matter of the property, patta has been granted in favour of the petitioner by the concerned Thasildar and aggrieved against the same, the second respondent preferred an appeal before the first respondent. It is also seen that in respect of the very same subject matter of the property, the second respondent has filed a civil suit in O.S.No.275/2013 on the file of the Sub Court, Pudukkottai seeking for declaration and for other reliefs against the petitioner herein and the said suit is still pending. Therefore, it is contended by the petitioner that the first respondent cannot hear the appeal and dispose of the same till the suit is decided by the civil Court.

5. The learned counsel appearing for the second respondent submitted that the civil Court may be directed to dispose of the suit at an early date, so that the appeal can be taken up and decided by the first respondent after such disposal.

6. Considering the above stated facts and circumstances and without expressing any view on the rival contentions raised by the parties, this Writ Petition is disposed of with a direction to the first respondent not to proceed with the appeal pending decision before the competent civil Court in O.S.No.275 of 2013. Consequently, the Sub Court, Pudukkottai is directed to take up the suit in O.S.No.275 of 2013 and dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To
1.The Subordinate Judge, Pudukkottai.
2.The Revenue Divisional Officer, Illuppur Taluk,
Pudukkottai District.
3.The Executive Officer (Fit person), A/m. Bagavathiamman Thirukovil,
Keeranur, Office at Court complex,
Pudukkottai Town, Pudukkottai District.
+1cc to M/S.K.Baalasundharam, Advocate in SR.No. 71693
+1cc to M/S.G.Mathavan, Advocate in SR.No. 71836
+1cc to Special Government Pleader in SR.No. 71952.
TS/22.12.2015/2P-7C/JGB-DP/SAR - II

W.P (MD) No.22464 of 2015
and M.P (MD) No.1 of 2015