



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.01.2015
CORAM

THE HONOURBLE MR. JUSTICE B. RAJENDRAN

WEB COPY

W.P (MD) .No.609 of 2013
and
M.P. (MD) No.1 of 2013

C. PERIYANNAN

.. Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
RAMNAGAR, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
3. Y. AMIRTHA DOSS
4. Y. MANICKAM

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass final orders on merits for the enquiries conducted by him in the appeal filed by the petitioner on 16.4.2010 for the wrong entry made to the petitioner's property measuring 47.8 cents in Old S.No.A-17/53 New S.No.A-17-109 at Panipulanvayal Village, Kannankottai Group, Devakottai Taluk, Sivagangai District without any further delay.

For Petitioner : Mr.B.Muruganandam

For R1 and R2 : Mr.S.Chandrasekar
Government Advocate

For R3 : Mr.A.S.Chellappa
For R4 : No Appearance

ORDER

Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

2. The writ petition has been filed challenging the order of the Revenue Divisional Officer in rejecting the appeal on the ground that civil suit is pending.

3. According to the petitioner, the Tahsildar passed an order without giving notice to the petitioner. Aggrieved against the same, he has preferred an appeal to the Revenue Divisional Officer. After the appeal only, the third respondent has filed a suit as against the fourth respondent and the petitioner. But taking advantage of the fact that the



civil suit is pending, the Revenue Divisional Officer refused even to entertain the appeal or hearing the appeal. Therefore, the petitioner has challenged the order of denial of the appeal enquiry by the Revenue Divisional Officer.

4. Though notice has been duly served on the respondents 3 and 4 and they have also engaged an advocate, none appeared for the respondents 3 and 4.

5. The learned Government Advocate would submit that since the civil suit is pending, they cannot decide the title and the second respondent has rightly followed the order of this Court in not deciding the matter.

6. The fact remains that no doubt this Court has clearly stated that when the civil suit is pending and the title is in dispute, the authority cannot decide the title. But at the same time, as rightly pointed out by the learned counsel for the petitioner, here civil suit is pending after the order being passed and pending the appeal on enquiry.

7. Since the matter is pending before the Civil Court, this Court only directs the learned District Munsif, Devakottai to dispose of the suit in O.S.No.124 of 2010 within a period of four months from the date of receipt of a copy of this order, after giving sufficient opportunity to both the parties.

8. The writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1. THE DISTRICT MUNSIF, DEVAKOTTAI
2. THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER,
RAMNAGAR, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

+1 CC TO THE SPL.GOV'T.PLEADER SR.NO.3017

+1 CC TO M/S.B.MURUGAPANDIAN, ADVOCATE SR.NO.3042

W.P(MD) .No.609 of 2013
21.01.2015