

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.1807 & 1808 of 2016
and
C.M.P.Nos.9410 & 9411 of 2016

1.Sivalingam
S/o.Krishnan

2.Rajendran
S/o.Jayaraman

... Petitioners in both C.R.Ps

vs

Mangayarkarasi
W/o.Hariputhran

... Respondent in both C.R.Ps

Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decretal order dated 21.09.2015 made in I.A.Nos.143 & 144 of 2015 in O.S.Nos.131 & 132 of 2010 on the file of the learned II Additional District Munsif, Ulundurpet.

For Petitioners : Mr.S.V.Karthikeyan
(in both C.R.Ps)

COMMON ORDER

These revisions arise against the order of learned II Additional District Munsif, Ulundurpet, passed in I.A.Nos.143 & 144 of 2015 in O.S.Nos.131 & 132 of 2010 on 21.09.2015.

2. Petitioners/defendants have filed I.A.Nos.143 & 144 of 2015 in O.S.Nos.131 & 132 of 2010 on the file of learned II Additional District Munsif, Ulundurpet, seeking stay of the suit proceedings pending disposal of the revenue proceedings on the file of Revenue Divisional Officer, Thirukovilure. The Court below, under the impugned orders, dismissed such applications. Hence, these revisions.

3. Heard learned counsel for petitioners.

4. In dismissing the applications, the Court below has reasoned that though the suit property was a grant by Government, the plaintiff has filed the suit seeking the relief of declaration of title and permanent injunction. The proceedings before the revenue authorities are not binding upon the civil court and the Court can independently decide the rights of the parties. Further, the defendants have not filed any proof to establish that proceedings are pending before revenue authorities. In support of its decision, the Court below has relied on the decision of this Court in *Rayathal (deceased) v. Periyakannu* [2011 (3) MLJ 423] and *M.E.A.Mohammed Ali v. Revenue Divisional Officer* [2005 (4) CTC 9]. This Court finds no error in the orders under challenge.

The Civil Revision Petitions, accordingly, are dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

21.06.2016

Index:yes/no
Internet:yes
gm

To

The II Additional District Munsif,
Ulundurpet.

C.T.SELVAM, J

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