



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2016
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P (MD) No.18531 of 2016
and
W.M.P (MD) Nos13425 and 16748 of 2016

1.S.Jeyakumar

2.Ugine Napoleon Jacob

3.B.A.Issac

.. Petitioners

vs.

1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin,
Tuticorin District.

3.The Tahsildar,
Taluk office,
Tuticorin,
Tuticorin District.

4.Thulasiammal

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari calling for the records pertaining to the impugned order of 1st Respondent herein dated 26.12.2015 made in Na.Ka.D3/19407/2014 and quash the same.

For Petitioner : Mr.Gokul Raj for Mr.R.Vijayakumar

For R1 to R3 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R4 : Mr.L.Rajiah

**ORDER**

This writ petition is filed challenging the order of the first respondent, dated 26.12.2015 arising out patta proceedings.

2.Perusal of the impugned order would show that the first respondent has directed the removal of names found in subject matter patta and include the name of the fourth respondent herein.

3.The grievance of the petitioner is that when a civil suit is pending between the parties, which culminated into a second appeal before this Court in S.A(MD)No.202 of 2015, the first respondent ought not to have passed the present impugned order having noted the pendency of the above second appeal in the impugned order itself.

4.On the other hand, the learned counsel appearing for the fourth respondent submitted that there is no impediment for the first respondent to effect the change in the patta in the absence of any interim order granted in the second appeal. But the fact remains that the second appeal, dealing with the title to the properties between the parties, is admittedly pending before this Court in S.A.No.202 of 2015. Therefore, the title dispute has to be decided in the said appeal and any order passed by the revenue authorities in respect of the patta proceedings is always subject to the result of the said second appeal. Therefore, I am of the view that the parties have to agitate their respective rights in the said second appeal and get it disposed of at an early date. Till such time, both parties have to maintain status quo as on today without precipitating the matter further.

5.Accordingly, this writ petition is disposed of by directing the parties to the proceedings to maintain status quo as on today in respect of the patta proceedings, till the finality is arrived in the above second appeal. It is open to the either parties to make an application for fixing an early date for the said second appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(writs)

/TRUE COPY/

Sub Assistant Registrar



To,

1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin,
Tuticorin District.

3.The Tahsildar,
Taluk office,
Tuticorin,
Tuticorin District.

+1cc to Mr.R.Vijayakumar,Advocate,SR NO:81117

+1cc to THE SPECIAL GOVERNMENT PLEADER,SR NO:80879

SKN

RL/SKN/05-01-2017/3P/6C

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