



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2016

CORAM

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THE HONOURBLE **MR. JUSTICE B. RAJENDRAN**

W.P(MD).No.8533 of 2011

and

M.P.(MD).No.1 of 2011

The Vellalar Street Society Trust,
Through its Trustee Mr.Rajagopal.

... Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.C.Mathiarasan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the 1st respondent in his proceedings Na.Ka.P5/C.R./264/2006 dated 18.06.2011 and quash the same and to direct the 1st respondent to issue patta in the name of the Petitioner Society to the land in S.No.53/2 to an extent of 3 Acres 12 Cents, Thondi Village (Group), Thiruvadanai Taluk, Ramanathapuram.

For petitioner : Mr.PT.S.Narendra Vasan

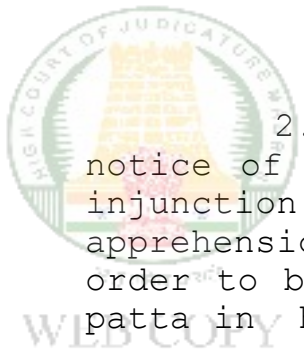
For Respondents : Mr.S.Kumar,

Additional Govt. Pleader for RR-1 & 2

: Mr.S.A.Ajmal Khan for R-3

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus calling for the records relating to the 1st respondent in his proceedings Na.Ka.P5/C.R./264/2006 dated 18.06.2011 and quash the same and to direct the 1st respondent to issue patta in the name of the Petitioner Society to the land in S.No.53/2 to an extent of 3 Acres 12 Cents, Thondi Village (Group), Thiruvadanai Taluk, Ramanathapuram.



2. After some elaborate arguments, it was brought to the notice of this court that a suit in O.S.No.43 of 2007 for bare injunction as against the third respondent herein is pending. The apprehension of the petitioner is that by virtue of the proposed order to be passed by the District Revenue Officer cancelling the patta in his name, the very title is in question.

3. Hence, the petitioner is directed to convert the said suit into one of declaration. The parties should abide by the civil court's decree. The observation made by the revenue authorities in the revision order will not be a bar for the civil court to independently look into consideration of title. It is made clear that the petitioner would also implead the Government as a party to the said suit, since without the Government as a party, a declaration suit in this context is not maintainable. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

vs

To

1.The District Revenue Officer, Ramanathapuram.

2.The Revenue Divisional Officer, Ramanathapuram.

+one cc to M/s.S.A.Ajmalkhan, Advocate in SR.No.13480

+one cc to The Special Government Pleader in SR.No. 13220

CSL/NGM-SS/16.03.2016/2P/5C

W.P (MD) .No.8533 of 2011
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