

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30876 of 2017

1. Gnanambal
2. Pushpa

...Petitioners

Vs.

1. The District Revenue Officer,
Office of the District Collectorate,
Namakkal District.
2. Revenue Divisional Officer,
Trichengode,
Namakkal District.
3. The Tahsildar,
Taluk Office,
Trichengode,
Namakkal District.

4. Varadhan @ Varadharajan

.... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the 3rd respondent from doing mutation in patta Nos.353 & 486 and other revenue records pertaining to the survey No.2/2A, 2/2B and 2/2D of the property situated in Kattupalayam Melmugam Village, Palam Medu Group, Trichengode Taluk, Namakkal District till the disposal of revision in Na.Ka.No.12550/2015/01 dated 23.11.2016 on the file of 1st respondent by considering the petitioners' representations dated 10.12.2015, 07.07.2016 and 25.10.2017.

For Petitioners:Mr.R.Marudhachalamurthy

For Respondents:Mr.R.Govindasamy,

Special Government Pleader for R1 to R3

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuing a writ of mandamus forbearing the 3rd respondent from effecting mutation in patta Nos.353 & 486 and other revenue records pertaining to the survey No.2/2A, 2/2B and 2/2D of the property situated in Kattupalayam Melmugam Village, Palam Medu Group, Trichengode Taluk, Namakkal District till the disposal of revision in Na.Ka.No.12550/2015/01 dated 23.11.2016 on the file of 1st respondent.

3. Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents. Since this writ petition is disposed of without affecting the interest of the 4th respondent in any manner, notice to the 4th respondent is dispensed with.

4. It is seen that there is a dispute between the petitioners and the 4th respondent in respect of issuance of patta in connection with the above said lands. The petitioners, who lost before the Tahsildar have filed an appeal before the second respondent and again filed a revision before the first respondent, aggrieved against the order of the second respondent. Now, it is stated that the revision filed on 18.05.2015 is still pending before the first respondent. As it is apprehended by the petitioners that the 4th respondent is trying to effect the mutation of revenue records, based on the orders passed by the 3rd and 2nd respondents, the petitioners have come before this Court and filed the present writ petition with the relief as stated supra.

5. Considering the above stated facts and circumstances, I am of the view that the petitioners have to agitate the matter before the first respondent in the pending revision. Even if any mutation takes place in the meantime, needless to say that it would be subject to result of the revision pending before 1st respondent. Therefore, without expressing any view on the merits of the claim made by the petitioners, this writ petition is disposed of only with a direction to the first respondent to dispose of the revision filed by the petitioners on merits and in accordance with law, after hearing the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order, if the said revision has not been disposed of so far. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Revenue Officer,
Office of the District Collectorate,
Namakkal District.

2. Revenue Divisional Officer,
Trichengode,
Namakkal District.

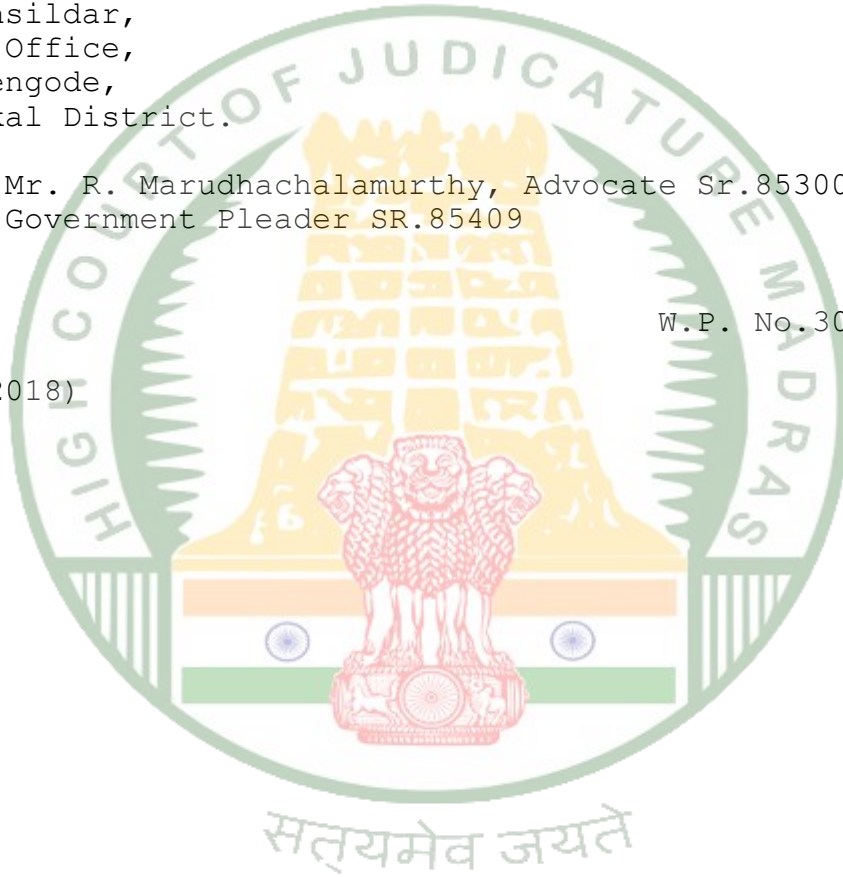
3. The Tahsildar,
Taluk Office,
Trichengode,
Namakkal District.

+ 1 cc to Mr. R. Marudhachalamurthy, Advocate Sr.85300

+ 1 cc to Government Pleader SR.85409

W.P. No.30876 of 2017

NM(CO)
EU(03/01/2018)



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