

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13972 of 2004
and
W.M.P.No.16450 of 2004

B.Linga Gowder (Deceased) ... Petitioner

1. Lakshmiammal
2. Vimala
3. Arunagiri
4. Gopalakrishnan
5. Shakunthala
6. Jogan
7. Kanchanamala
8. J. Sangeetha
9. J. Kousalya Devi

(Petitioners 1 to 9 are substituted in the place of the deceased writ petitioner as per the order of this Court in W.M.P.No.12319 of 2016 dated 30.06.2017) Petitioners

-vs-

1. The Tahsildar,
Kudah Revenue Village,
Kudah, The Nilgiris.

2. B. Dasaradhan
3. B. Munusamy
4. R. Sekar

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the first respondent herein, pertaining to the order bearing Na.Ka.Ap No.89/02 dated 02.04.2004 and quash the same.

For Petitioner : Mr.R.Ramesh

For Respondents : Ms.M.E.Raniselvam for R1
Mr.R.Subramanian for R2 to R4

O R D E R

This writ proceedings are initiated questioning the Sub-division effected by the Tahsildar in proceeding dated 02.04.2004. The Sub-division of the property was effected by the Tahsildar pursuant to the decree passed in the Civil Suit in O.S.No.442 of 1990.

2. The learned counsel appearing for the second respondent brought to the knowledge of this Court that as against the decree passed in O.S.No.442 of 1990, an appeal in A.S.No.9 of 1992 was filed before the District Court, Ooty and that was also allowed. Challenging the same, the second appeal No.1390 of 1994 was filed and the second appeal was dismissed by this Court. Yet another Writ Petition in W.P.No.1709 of 1995 was also instituted by one of the party.

3. Be that it may, the parties are having certain civil disputes and various civil litigations were instituted at the instance of either of the parties. This Court also passed orders in second appeal. When the matter stands there, this Court cannot find any fault in the order passed by the Tahsildar effecting Sub Division on 02.04.2004, pursuant to the decree passed in the suit. All actions taken thereafter will be subject matter of further civil disputes. In fact, the impugned order of the Tahsildar was issued on 02.04.2004 and thereafter the civil appeals both before the District Court as well as before this Court was decided. Therefore, the decree and the appeal orders passed therein will prevail over the orders passed by the Tahsildar, which is impugned in this writ petition.

4. In view of these factors, the respective parties are at liberty to resolve the disputes through the Civil Court and take appropriate action in this regard. With these observations, the

Writ Petition stands dismissed. However no order as to costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ah/rpa

To

The Tahsildar,
Kudah Revenue Village,
Kundah, The Nilgiris.

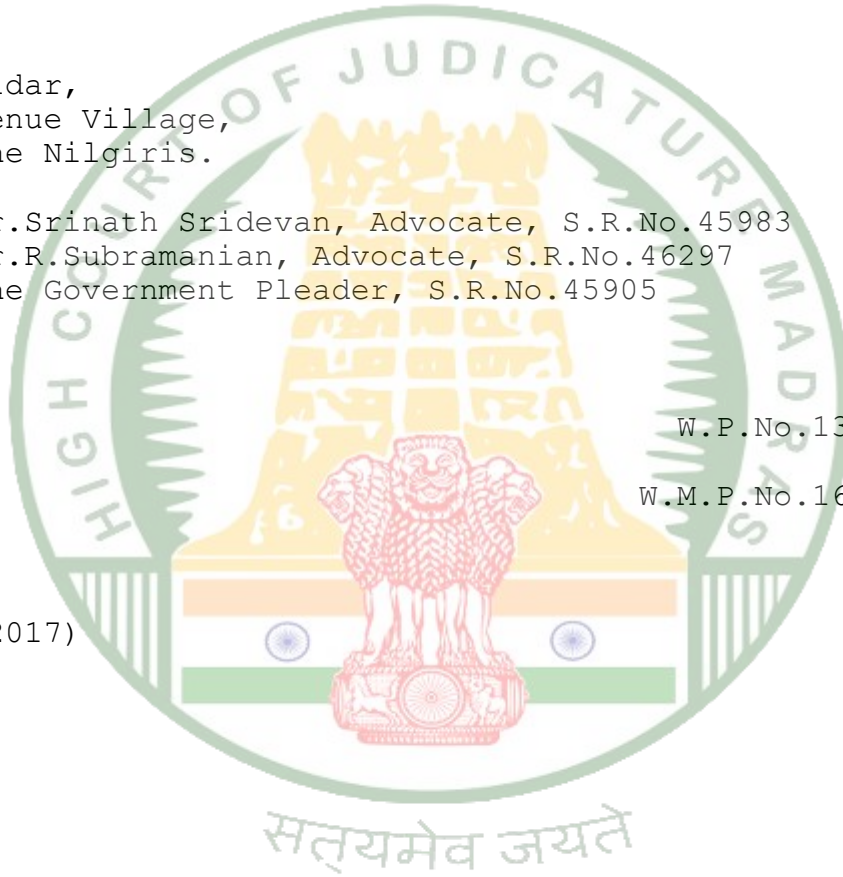
+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.45983

+1cc to Mr.R.Subramanian, Advocate, S.R.No.46297

+1cc to the Government Pleader, S.R.No.45905

W.P.No.13972 of 2004
and
W.M.P.No.16450 of 2004

MP (CO)
GN(30/08/2017)



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