



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.848 of 2017

and C.M.P. (MD) Nos.5767 and 5768 of 2017

A.Alagu

... Appellant/Petitioner

Vs.

1.The District Revenue Officer,
Madurai District.

2.The Revenue Divisional Officer,
Madurai.

3.Karuppayee

4.Ponnalagu

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD) No.7402 of 2016 dated 18.04.2016.

Prayer in WP(MD) . 7402/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 1st respondent in R.Dis.No.G2/33584/2014 dated 10.02.2016 and quash the same as illegal, without jurisdiction and consequently direct the respondents 1 & 2 to restore the petitioner s separate patta No.1979 in survey No. 210/10B, Pattur Village, Melur Taluk, Madurai District.

For Appellant :Mr.S.A.Ajmalkhan

For Respondents 1 & 2 :Mr.M.Murugan

Government Advocate

For Respondents 3 & 4 :Mr.Ramasubramaniam

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The writ appeal is preferred against the order of the learned Single Judge dated 18.04.2016, passed in W.P.(MD) No.7402 of 2016, by which the learned Single Judge was not inclined to go into the merits of the order passed by the District Revenue Officer with regard to the issuance of patta.



2. Heard the learned counsel for the appellant, learned Government Advocate for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4.

3. Patta is not a document of title. Admittedly, the appellant has filed a suit in O.S.No.126 of 2014 on the file of the learned District Munsif, Melur. Though the submissions made by the learned counsel for the appellant merits acceptance in as much as the revenue authorities ought not to have considered grant of patta during the pendency of the suit, we are not inclined to go into the merits of the case. However, it is suffice to state that the civil Court shall go into the respective case of the parties without relying upon the patta, which is the subject matter of the present writ petition, upon which a judgment was rendered.

4. Since it is submitted by the learned counsel for the appellant that not only a suit but also a counter claim has been filed, it is open to the parties to approach the revenue authorities for necessary change in the patta after the conclusion of civil litigation. The learned District Munsif, Melur is directed to dispose of O.S.No.126 of 2014 within a period of six months from the date of receipt of a copy of this order.

5. In the light of the above observations and directions, this Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd /-

ASSISTANT REGISTRAR (RECORDS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The District Munsif,
Melur, Madurai District.

2. The District Revenue Officer,
Madurai District.

3. The Revenue Divisional Officer,
Madurai.

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.67119

sj

MAS/GT/SAR1:28.07.2017:2P-5C