



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM:

THE HONOURABLE Mr. JUSTICE V. PARTHIBAN

W.P. (MD) No. 1171 of 2017

WEB COPY and W.M.P. (MD) Nos. 979, 980, 981 and 1829 of 2017

Syed Ahamed

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Ramanthapuram.

2. The Tahsildar,
Ramanthapuram.

3. The District Registrar,
Ramanthapuram.

4. Kumaran Sethupaty

5. Asmathulla

6. Jeganprasad

7. Noordheen

8. Ramadhurai Pandiyan

9. Sadham Hussain

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining impugned patta proceedings of the 2nd respondent in No.R.T.R.2040/2015 dated 29.10.2015 and quash the same.

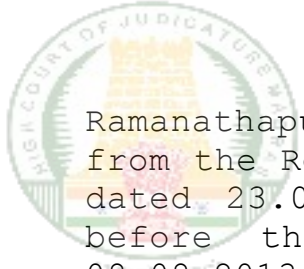
For Petitioner : Mr. AR. L. Sundaresan, Senior Counsel
for Mr. RM. Arun Swaminathan

For Respondents : Mr. D. Muruganantham, AGP for R1 to 3
Mr. G. R. Swaminathan, Senior Counsel for
Mr. Antony Arul Raj for R5 to R9

O R D E R

This Writ petition has been filed to issue a Writ of Certiorari, calling for the records pertaining impugned patta proceedings of the 2nd respondent in No.R.T.R.2040/2015 dated 29.10.2015 and quash the same.

2. According to the petitioner, he is one among the owners of the subject property situated in G.R. Survey No. 325/672, Town Survey No. 24, Local Fund Road, Madurai Road, Ramanathapuram District. The petitioner submitted that there are totally 48 shops constructed in the subject property and the rents were received from the said shops. According to the petitioner, one Kumaran Sethupathy, who claims to be the legal heir of one Raja of



Ramanathapuram, created some bogus documents and obtained patta from the Revenue Divisional Officer, Ramanathapuram by proceedings dated 23.09.2009. Thereafter, the petitioner filed a revision before the District Revenue Officer, Ramanathapuram and on 08.08.2013 the petitioner has obtained an order of stay of the Revenue Divisional Officer. Aggrieved by the said order, the 4th respondent filed a Writ Petition in W.P.(MD)No.14394 of 2013 and this Court by order dated 15.07.2015 passed the following orders:

"After the disposal of the said civil suit, it is open to the parties to approach the revenue authorities for mutation of revenue records as well as change of patta in favour of either of the parties. Till such time, there shall not be any alienation or encumbrance over the property in dispute."

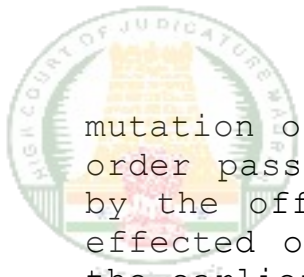
3. According to the petitioner, in violation of the direction passed by this Court in the above said Writ petition, the revenue records came to mutated on 29.10.2015 in favour of the respondents 5 to 9 herein. The said mutation is contrary to the specific order passed by this Court dated 15.07.2015 in W.P.(MD)No.14394 of 2013.

4. In the above said circumstances, the petitioner was constrained to approach this Court with the present Writ petition.

5. On 25.01.2017 while ordering notice in the present Writ petition, this Court passed an interim order stating that private party respondents shall not alienate or encumber the subject lands and the said order is still in force.

6. Mr. AR. L. Sundaresan, learned Senior Counsel appearing for the petitioner strenuously contended that the mutation of revenue records by the impugned proceedings dated 29.10.2015 is in violation of orders passed by this Court in the earlier Writ petition dated 15.07.2015. The respondents being aware of the said order passed by this Court, had acted in violation of the specific direction issued by this Court in the earlier Writ petition. The learned Senior Counsel would also submit that as regards the title of the property, a civil suit in O.S.No.46 of 2015 is pending before the Sub Court, Ramanathapuram and their rights would be determined in the said suit. Therefore, before waiting for the out come of the civil suit, mutation was passed, which cannot be valid in law.

7. On the other hand, Mr. G. R. Swaminathan, learned Senior Counsel appearing for the respondents 4 to 9 would submit that the



mutation of records was not deliberate action in violation of the order passed by this Court, since it was a routine exercise done by the official respondents on the basis of the sale, which was effected on 09.04.2015 before the orders passed by this Court in the earlier Writ petition on 15.07.2015.

WEB COPY

8.In any event, the said sale is the subject matter of the suit pending before the Sub Court, Ramanathapuram.

9.Both the learned counsels have agreed that the interim order passed by this Court in the present Writ petition dated 25.01.2017 will hold good till the disposal of the original suit in O.S.No.46 of 2015 pending on the file of the Sub Court, Ramanathapuram. After the disposal of the said suit, the mutation of records will have to be done in accordance with the verdict of the civil court. In the mean while, the respondents 5 to 9 shall not take any advantage of the fact that the mutation of records have taken place on 29.10.2015.

10.With these observation, the Writ petition is disposed of. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer, Ramanthapuram.
- 2.The Tahsildar, Ramanthapuram.
- 3.The District Registrar, Ramanthapuram.

+1 cc to Mr.R.M.Arun Swaminathan, Advocate, SR.No.17341
+1 cc to Special Government Pleader , SR.No.17588
+1 cc to Mr.T.Antony Arul Raj, Advocate, SR.No.17682

W.P. (MD) No.1171 of 2017
23.03.2017

nbj

MKV-KP-SAR 4/5.4.2017/3P-6C