



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.14385 of 2017

and

W.M.P(MD)Nos.11268 and 11269 of 2017

P.Sivasamy

... Petitioner

Vs.

1. The Sub Collector,
Collectorate,
Thoothukudi,
Thoothukudi District.

2. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District - 628 103.

3. V.Saaththaakutti
4. S.Isakkimuthu

5. The District Revenue Officer,
Collectorate,
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to forbear the second respondent from cancelling the patta No.271 in respect of the Natham Survey No.964/30 situated in Perur Village, Srivaikundam Taluk, Thoothukudi District and make corrections in the revenue records, like, adangal and chitta by following the impugned order in Ni.Mu.(A1)/2653/2015, dated 06.07.2017 (served on 15.07.2017) on the file of the first respondent till the disposal of the unnumbered revision petition filed against the impugned order in Ni.Mu.(A1)/2653/2015, dated 06.07.2017, pending before the fifth respondent.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.M.Alagathevan,
Special Government Pleader for R.1, R.2 & R.5
R.3 & R.4 - Dispensed with.

* * * * *

**ORDER**

This writ petition has been filed seeking a writ of Mandamus to forbear the second respondent from cancelling the patta No.271 in respect of the Natham Survey No.964/30 situated in Perur Village, Srivaikundam Taluk, Thoothukudi District and make corrections in the revenue records, like, adangal and chitta by following the order passed by the first respondent in Ni.Mu.(A1)/2653/2015, dated 06.07.2017 till the disposal of the unnumbered revision petition filed by the petitioner.

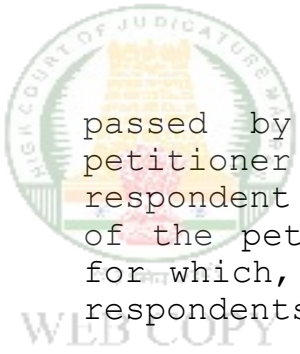
2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents 1, 2 and 5. In view of the order that is going to be passed, notice to the respondents 3 and 4 is dispensed with.

3. By consent, the writ petition is taken up for final disposal.

4. The case of the petitioner is that he purchased a land in Natham Survey No.964/30 measuring total extent of 0.01.90 hectares situated in Perur Village, Srivaikundam Taluk, Thoothukudi District, through a registered sale deed from the fourth respondent. However, the fourth respondent is in possession and enjoyment of the said properties from 03.03.1998 by way of an oral transaction. Thereafter, the fourth respondent has been issued with Patta No.271. Subsequently, the petitioner purchased a portion of the said properties from the fourth respondent and constructed a house therein. The house tax receipts have been issued in the name of the petitioner from 2011. Later, the patta has been transferred in favour of the petitioner on 26.12.2011.

5. According to the petitioner, the third respondent, a distant relative of the fourth respondent filed a petition before the first respondent alleging that the petitioner got transferred the properties in question in his name in the year 1998 and prayed for cancellation of patta issued in favour of the petitioner. The first respondent treated the said petition as an appeal and after notice to the petitioner as well as the fourth respondent, allowed the said appeal, directing the second respondent to cancel the patta issued in favour of the petitioner and issue patta in favour of the father and uncle of the third respondent. Aggrieved thereby, the petitioner filed a revision before the fifth respondent and the same is pending. However, the second respondent is proceeding to mutate the revenue records. Hence, the petitioner is before this Court.

6. The learned Counsel for the petitioner submits that the revision filed by the petitioner is still pending before the fifth respondent and the second respondent, without awaiting for the outcome of the revision filed by the petitioner, is now proceeding to mutate the revenue records as per the order dated 06.07.2017



passed by the first respondent. He further submits that the petitioner would comply with the orders to be passed by the fifth respondent in the revision and hence, seeks to protect the interest of the petitioner till the disposal of the revision filed by him, for which, the learned Special Government Pleader appearing for the respondents 1, 2 and 5 has no serious objection.

7. Considering the same, this Court, without going into the merits of the petitioner's claim, directs the fifth respondent to dispose of the revision filed by the petitioner and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the respondents 3 and 4 and also the interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that it is always open to the second respondent to proceed further in accordance with the decision to be rendered by the fifth respondent in the revision filed by the petitioner. Till such time, the parties are directed to maintain status quo as on today.

8. Accordingly, this writ petition is disposed of as above. No costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Sub Collector,
Collectorate, Thoothukudi,
Thoothukudi District.
2. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District - 628 103.
3. The District Revenue Officer,
Collectorate, Thoothukudi,
Thoothukudi District.

+ 1 CC TO Mr.I.ROBERT CHANDRAKUMAR, ADVOCATE IN SR No. 69621

RSB
TE/GT/SAR-II : 09/08/2017 : 3P/5C