



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 30.01.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.12602 of 2016

and

W.P (MD) No.2253 of 2014

and

W.M.P (MD) No.9517 of 2016

W.P (MD) No.12602 of 2016

P.Ramesh

..Petitioner

Vs

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.Sridharan

..Respondents

W.P (MD) No.2253 of 2014

R.Sreedharan

...Petitioner

.vs.

1.The District Collector,
Madurai District,
Madurai Collectorate,
Madurai - 625 020.

2.The District Revenue Officer,
Madurai District,
Madurai Collectorate,
Madurai-625 020.

3.The Revenue Divisional Officer,
Madurai District,
Madurai Collectorate,
Madurai - 625 020.



4.The Tahsildar,
Madurai South Taluk,
Madurai Collectorate,
Madurai-625 020.

5.The Village Administrative Officer,
Thoppur Village,
Thirunagar (Via),
Madurai 625 006.

...Respondents

Prayer in W.P(MD)No.12602 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the first respondent herein in his proceedings in Ni.Mu.No.74049/2015/G.5, dated 24.6.2016, and to quash the same.

Prayer in W.P(MD)No.2253 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue patta to the Petitioner in S.No.31/10 I 4 having an extent of 0.03.0(10 cents) located at 19, Thoppur Revenue Village, Madurai South Taluk, Madurai District as per the proceedings of the respondents 3 and 2 in Ni.Mu.No.9658/2012, dated 26.12.2012 and in Na.Ka.No.54962/2011 G-2, dated 6.2.2013 respectively based on the representations of the Petitioner dated 8.8.2011, 25.8.2011, 16.9.2011, 29.11.2011, 3.12.2011, 12.1.2012, 17.5.2012 and 28.1.2013.

W.P(MD)No.12602 of 2016

For Petitioner : M/s.K.Hemakarthiskeyan

For Respondents : Mr.A.Muthukaruppan
1 and 2 Addl.Govt.Pleader

For Respondent-3 : Mr.D.Gurusamy

W.P(MD)No.2253 of 2014

For Petitioner : M/s.D.Gurusamy

For Respondents : Mr.A.Muthukaruppan
Addl.Govt.Pleader

COMMON ORDER

In W.P(MD)No12602, the Petitioner seeks for issuance of a Writ of Certiorari calling for the records of the first respondent herein in his proceedings in Ni.Mu.No.74049/2015/G.5, dated 24.6.2016, and to quash the same.



2. In W.P(MD)No.2253 of 2014, the Petitioner seeks for a direction to the respondents to issue patta to the Petitioner in S.No.31/10 I 4 having an extent of 0.03.0(10 cents) located at 19, Thoppur Revenue Village, Madurai South Taluk, Madurai District as per the proceedings of the respondents 3 and 4 in Ni.Mu.No.9658/2012, dated 26.12.2012 and in Na.Ka.No.54962/2011 G-2, dated 6.2.2013 respectively based on the representations of the Petitioner dated 8.8.2011, 25.8.2011, 16.9.2011, 29.11.2011, 3.12.2011, 12.1.2012, 17.5.2012 and 28.1.2013.

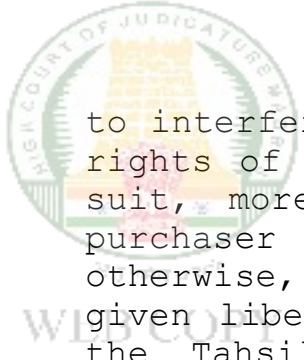
W.P(MD)No.12602 of 2016

3. The Petitioner is aggrieved against the order passed by the first respondent dated 24.6.2016, wherein, the first respondent directed the second respondent to enter the name of the third respondent in the revenue records in respect of patta No.760 based on the order, dated 30.6.1993 passed by the Tahsildar, Madurai South Taluk, Madurai. In the very same proceedings, the first respondent has also given liberty to the Petitioner to challenge the said order, dated 30.6.1993 before the Revenue Divisional Officer, Madurai.

4. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

5. According to the Petitioner, he is in possession and enjoyment of the subject-matter property all along, over which, the third respondent is not having any right or title. Therefore, he contended that the order of the first respondent impugned in this Writ Petition cannot be sustained. The learned counsel for the Petitioner further submitted that the first respondent has passed the impugned order without giving due opportunity of hearing to the Petitioner in spite of filing a Petition to re-open the matter.

6. Per contra, it is contended by the learned counsel for the third respondent that the third respondent purchased the property as early as in the year 1972 and the Tahsildar, Madurai South Taluk has also passed the order on 30.6.1993 to change the name in the patta in favour of the third respondent and the said order has not been challenged so far. It is also brought to the notice of this Court that a civil suit for partition is pending between the Petitioner and the vendor of the third respondent before Sub-Court, Madurai in O.S.No.519 of 1999. If a civil suit is pending between the Petitioner and the vendor of the third respondent covering the subject-matter property as well, it is for the respective parties to work out their remedies only before the said proceedings issued by the revenue officials either before or during the pendency of the suit, is always subject to the result of the civil suit. Therefore, I do not find any reason



to interfere with the order passed by the first respondent, as the rights of the parties have to be ultimately decided in the civil suit, more particularly, when the third respondent is only a purchaser from the plaintiff who filed the said suit. Even otherwise, the first respondent through impugned order has also given liberty to the Petitioner to challenge the order passed by the Tahsildar, dated 30.6.1993. Therefore, it is open to the Petitioner either to challenge the order of the Tahsildar, dated 30.6.1993, pending decision in the civil suit or to await for the final verdict in the civil suit and thereafter to work out the remedy before the revenue authorities based on the decree so passed in the civil suit.

7. With the above observation, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

W. P (MD) No. 2253 of 2014

8. In view of the order passed in W. P (MD) No. 12602 of 2016, no further order is necessary in this Writ Petition. Accordingly, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar (co)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Madurai District,
Madurai.

2. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3. The District Collector,
Madurai District,
Madurai Collectorate,
Madurai - 625 020.

4. The District Revenue Officer,
Madurai District,
Madurai Collectorate,
Madurai-625 020.



5.The Revenue Divisional Officer,
Madurai District,
Madurai Collectorate,
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6.The Tahsildar,
Madurai South Taluk,
Madurai Collectorate,
Madurai-625 020.

7.The Village Administrative Officer,
Thoppur Village,
Thirunagar Via,
Madurai 625 006.

+1cc to M/s.K.Hemakarthiskeyan, Advocate SR.NO.4961
+2cc to Mr.B.Gurusamy, Advocate Sr.No.5487
+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 5015

Vsn
JS:MR:28.02.2017:5p/12c

W.P (MD) No.12602 of 2016
and
W.P (MD) No.2253 of 2014
and
W.M.P (MD) No.9517 of 2016
30.01.2017