



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED **29.06.2017**

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
WA(MD)No.851 of 2017

Seenimuthu

... Appellant

Vs.

1.The District Revenue Officer,
Pudukkottai.

2.The Assistant Commissioner,
Revenue Court,
Thiruchirappalli.

3.The Tahsildar cum Tenancy Records Officer,
Iluppur Taluk,
Pudukkottai District.

4.M.Synam Beevi

...Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 21.07.2014 made in W.P.(MD)No.3601 of 2011 on the file of this Court.

Prayer in WP(MD). 3601/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.Aa4/32147/2009 dated 05/10/2010 and quash the same.

For Appellant	: Mr.R.Subramanian
For Respondents 1 to 3	: Mr.V.Muruganandham Additional Government Pleader
For Respondent No.4	: Mr.K.P.Narayana Kumar

JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Subramanian, learned Counsel appearing for the appellant, Mr.V.Muruganantham, learned Additional Government Pleader appearing for the respondents 1, 2 and 3 and Mr.K.P.Narayana Kumar, learned Counsel for the fourth respondent.



2. This writ appeal by the writ petitioner is directed against the order dated 21.07.2014 made in W.P.(MD)No.3601 of 2011, which was filed challenging the order passed by the first respondent, dated 05.10.2010.

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3. The writ Court, after considering the matter in detail, found that the learned District Munsif, Keeranur, in O.S.No.197 of 2000 filed by the fourth respondent herein decided that the appellant was not in possession of the suit property. Admittedly, the appellant had approached the third respondent / Tenancy Records Officer much after the suit was filed by the fourth respondent. Therefore, the decree which was passed by the Civil Court rendering a finding regarding possession has to necessarily bind the Tenancy Records Officer moreso when the proceedings before the said Officer were initiated much after filing of the suit.

4. We can safely presume that the appellant's attempt was to impose the proceedings initiated by him before the Tenancy Records Officer as one of the pleas before the Civil Court. The Civil Court rejected the said plea and decreed the suit in favour of the fourth respondent. On appeal before the lower appellate Court by the appellant, the findings of the Court below were affirmed and the cross appeal filed by the fourth respondent was decided in his favour. As on date, a second appeal filed by the appellant against the said decree is pending before this Court.

5. Thus, the learned Single Judge was perfectly right in dismissing the writ petition on the ground that the appellant has not been able to show that there is patent error or apparent wrong on the face of the order passed by the first respondent. Thus, no ground has been made out by the appellant to interfere with the impugned order. However, the findings rendered by the Writ Court as well as by us will not prejudice the rights of the appellant in the pending second appeal.

6. We have been informed that the fourth respondent is no more. However, since we are convinced that the appellant has not made a case for interference, the question of impleading the legal heirs of the fourth respondent does not arise.

7. For all the above reasons, this writ appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /



To

1.The District Revenue Officer,
Pudukkottai.

2.The Assistant Commissioner,
Revenue Court,
Thiruchirappalli.

3.The Tahsildar cum Tenancy Records Officer,
Iluppur Taluk,
Pudukkottai District.

+1cc to M/S.R.SUBRAMANIAN, Advocate SR.No.62769

+1cc to M/S.K.P.NARAYANA KUMAR, Advocate SR.No.63197

+1cc to Special Government Pleader, SR.No.62902

SM/KRK

MAS/MR-KKR/SAR2:21.07.2017:3P-7C

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