

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.NO.3961 of 2015

A.K.Swaminathan Petitioner
Vs

1. District Revenue Officer
Erode Collector Office,
Erode.
2. The Executive Officer
Arulmighu Selliandiammal Thirukovil
Athani Village, Anthiyur Taluk
Erode District. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent pertaining to his proceedings in Na.Ka.No.13390/2013/003 dated 30.09.2013 and quash the same.

For Petitioner : Mr.P.Valliappan
For Respondents: Mr.D.Raghu , Government Advocate
for R1
Mr.N.Manokaran - for R2

O R D E R

The order passed by the first respondent in proceedings dated 30.09.2013 in respect of modification of the name of the petitioner is under challenge in this writ petition.

2. Learned counsel for the petitioner states that the petitioner is in possession and enjoyment of the inam land situated in S.Nos.490,491 and 507, Athani Village, Anthiyur Taluk, Erode District since a long time. It is contended that in respect of civil rights, a civil suit was filed by the petitioner in O.S.No.336 of 2011, which is now pending before the Principal District Munsif Court, Bhavani. The suit is for permanent injunction restraining the second respondent from interfering with the peaceful possession and enjoyment of the said lands and from altering the revenue records. Learned counsel for the petitioner further states that evidences were concluded and that the suit is posted for arguments of the respective learned counsels. Thus, the writ petition deserves to be considered.

3. Learned counsel for the respondents disputes the facts and circumstances raised on behalf of the petitioner by stating that the land in question belongs to the second respondent temple and the writ petitioner is in illegal possession and

enjoyment of the land belonging to the temple. The temple authorities have filed an application for cancellation of patta and the first respondent conducted an enquiry and passed orders under the proceedings dated 30.09.2013 canceling the patta granted in favour of the petitioner. Thus, the writ petition deserves to be rejected.

4. This court is of an opinion that the writ petitioner has already instituted a suit in O.S.No.336 of 2011, which is now pending before Principal District Munsif Court, Bhavani. If the matter is decided on merits in this writ petition, the same will have certain bearing in respect of the civil suit pending before the competent civil court of law. This apart, this court cannot adjudicate in respect of the title, ownership or possession, in writ proceedings under Article 226 of the Constitution of India. The correctness of the proceedings can be adjudicated only after the conclusion of civil litigation now pending before the civil court. It is preferable that the patta proceedings, cancellation of patta or alteration in revenue records shall be entertained only after the conclusion of the civil disputes between the parties.

5. Under these circumstances, all the revenue proceedings including the impugned order passed by the first respondent dated 30.09.2013 are kept in abeyance till the conclusion of the civil proceedings pending before the competent civil court. After the conclusion of the civil proceedings, the respective parties are at liberty to submit their application for the restoration of the revenue proceedings based on the judgment and decree passed by the civil court. Learned Principal District Munsif, Bhavani is requested to dispose of the civil suit in O.S.No.336 of 2011 at the earliest possible and preferably within a period of two months from the date of receipt of a copy of this order. Registry is directed to communicate a copy of this order to the Principal District Munsif, Bhavani. With these directions, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.is closed.

सत्यमेव जयते

Sd/-

kst

Assistant Registrar(CS vii)

//True Copy//

Sub Assistant Registrar

1. District Revenue Officer
Erode Collector Office, Erode.
2. The Executive Officer
Arulmighu Selliandiammal Thirukovil
Athani Village, Anthiyur Taluk, Erode District.

3. The Principal District Munsif
Bhawani, Erode District.

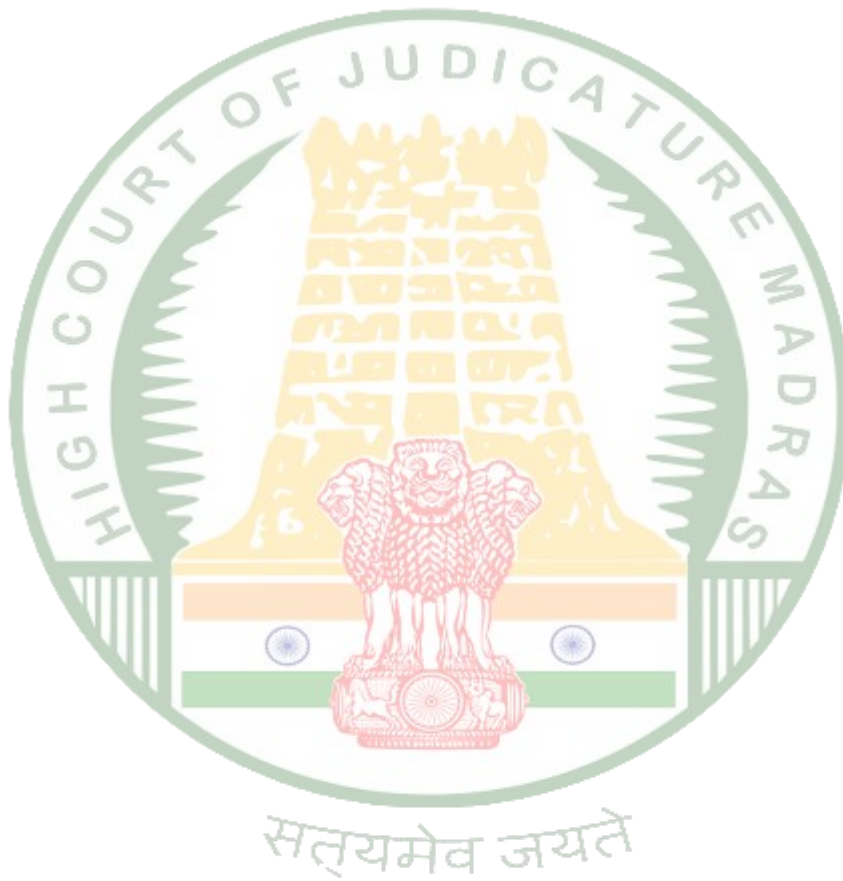
+1cc to Mr.N.Manokaran , Advocate SR.No.59480

+1cc to Mr.P.Valliappan , Advocate SR.No. 59489

+1 CC TO GOVERNMENT PLEADER SR.NO. 59834

W.P.No.3961 of 2015

ASK(18/09/2018)



WEB COPY