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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 18.06.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A.(MD)No.1236 of 2015
and
M.P(MD)No.1 of 2015
in W.P.(MD).No.8544/2013

S.C.Rathinavelu

.. Appellant/Petitioner

Vs.

1. The Revenue Divisional Officer,
Karur,
Karur District.

2. The Thasildhar,
Karur Taluk,
Karur District.

S.Thangamani (died)
W/o Late Selvakumar,
No.13, Mariammankovil Street,
Kattuputhur,
Thotiyam Taluk,
Trichy District.

3. Shobilakanmani
4. S.Kavirathina
5. Sindhulakshmi
6. IndhuNila

..Respondents/Petitioners

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.8544 of 2013 dated 16.10.2015.

Prayer in WP(MD)No. 8544/ 2013 :

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 relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.A1/3136/2012 dated 10/05/2013 and quash the same as illegal and without jurisdiction.



For Appellants : Mr.B.Saravanan

For Respondents : Mr.K.Mu.Muthu

Addl. Govt. Pleader for R1 and R2

Mr.R.Ramalaal for R3 to R6

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JUDGMENT

[Judgment of the Court was delivered by K.RAVICHANDRABAABU, J.]

This writ appeal is directed against the order passed by the learned single Judge in W.P(MD)No.8544 of 2013 dated 16.10.2015 in dismissing the writ petition filed by the appellant herein. The said writ petition was filed challenging the order of the Revenue Divisional Officer, Karur, dated 10.05.2013 arising out of the patta proceedings. The learned single Judge, after considering the facts and circumstances, found that the writ petition is not maintainable, as the writ petitioner is having alternative remedy of revision before the District Revenue Officer. The learned Judge also observed that when revision is filed, the revisional authority shall take into account the period of pendency of the writ petition for exclusion while computing the period of limitation.

2.Heard Mr.B.Saravanan, learned counsel for the appellant, Mr.R.Ramalaal, learned counsel for the respondents 3 to 6 and Mr.K.Mu.Muthu, learned Additional Government Pleader for the respondents 1 and 2.

3.Admittedly as against the order passed by the Revenue Divisional Officer, a statutory revision is maintainable before the District Revenue Officer. Needless to say that the revenue authorities being the fact finding authorities shall have to be allowed to consider the matter on merits and pass final order in the patta proceedings. Therefore, we find no reason to interfere with the order passed by the learned single Judge in dismissing the writ petition on the reason that the writ petitioner is having the alternative remedy of filing a revision before the District Revenue Officer. We would have closed this writ appeal at this stage but for the fact, as admitted by both sides, about filing of a suit for declaration in O.S.No.201 of 2016 on the file of the District Court, Karur by the contesting respondents herein, wherein, some of the subject matter properties in this patta proceedings are also shown as the some of the suit properties therein. Therefore, when a suit is already filed and the same is pending in respect of patta proceedings, we are of the view that the revenue authorities in the meantime, have to wait for the verdict of the civil Court and thereafter, to mutate the revenue record accordingly. Therefore, this writ appeal is disposed of with the following observations and directions:-



(a) Since the parties have approached the civil Court and filed a suit for declaration in O.S.No.201 of 2016 on the file of the District Court, Karur, they are at liberty to work out their remedy before the revenue authorities in pursuance to the decree passed by the civil Court in the said suit.

(b) the revenue authorities shall maintain status quo in the revenue records in respect of the entries made arising out of the subject matter patta proceedings, as on the date of the order passed in the writ petition, namely 16.10.2015.

(c) the civil suit shall be decided on its own merits and in accordance with law based on the pleadings and the evidence let in by the parties, uninfluenced by any of the observation made in the orders passed by the writ Court.

(d) the civil Court is directed to take up the suit and dispose of the same on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif,
Karur.
2. The Revenue Divisional Officer,
Karur,
Karur District.
3. The Thasildhar,
Karur Taluk,
Karur District.

+1CC to Mr.B.Saravanan, Advocate, SR.No.68573

+1CC to Mr.R.Ramanlal, Advocate, SR.No.68521

+1CC to Mr.K.Mu.Muthu, Advocate, SR.No.68601

+1CC to the Special Government Pleader SR.No.68640

W.A. (MD) No.1236 of 2015
and

M.P (MD) No.1 of 2015
18.06.2018