



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 05.01.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.18845 of 2017

and

W.M.P.(MD)Nos.15209, 18123, 19123 of 2017

Syed Ahamed

...Petitioner

-Vs-

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

2.The Inspector of Police,
Ramanathapuram Bazaar Police Station.

3.Asmathulla.

4.Kumaran Sethupathy

5.Mangalanatha Durai

6.Jeganprasad

7.Sadham Hussain

8.Noordheen

9.Ramadhurai Pandiyan

10.Natarajan

...Respondents

(R4 to R10 are impleaded Vide Court order dated
08.11.2017 in W.M.P.(MD)No.16238 of 2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, forbearing the respondents from alienating or encumbrance over the property by any form in G.R.Survey No.325/672, Town survey No.24, local Fund road- Madurai road, Ramanathapuram till disposal of the civil adjudication in-view of the order passed by this court in earlier W.P.(MD)No.14394 of 2013 dated 15.07.2015.

For petitioner : Mr.R.m.Arun Swaminathan

For R1 & R2 : Mr.M.Rajarajan

Government Advocate

For R3 to R9 : Mr.M.Mohamed Ibrahim Ali

For R10 : No Appearance

O R D E R

The petitioner has filed this Writ Petition seeking for an injunction restraining the respondents 4 to 10 from alienating or encumbrance over the property by any form in G.R.Survey No.325/672, Town survey No.24, local Fund road- Madurai road, Ramanathapuram till the disposal of the civil adjudication in view of the earlier order dated 15.07.2015 passed by this court in W.P.(MD)No.14394 of 2013.



2. According to the petitioner, the petitioner is the owner of the property in G.R. Survey No. 325/672, Town survey No. 24, local Fund road- Madurai road, Ramanathapuram. Totally 48 shops were constructed in the property and the rents are collecting by the petitioner. Earlier, one Kumaran Sethupathi created some bogus documents and got an order of patta from the first respondent herein. Subsequently, the petitioner filed a Revision before the District Revenue Officer, Ramanathapuram and got an order of stay of the order passed by the first respondent. Thereafter, challenging the order passed by the District Revenue Officer, the said Kumaran Sethupathy filed a Writ Petition before this Court in W.P.(MD) No. 14394 of 2013 and this Court, by an order dated 15.07.2015, disposed the Writ Petition directing the parties to approach the Revenue authorities for mutation of the revenue records after disposal of the Civil Suit, which is pending and till such time, there shall not be any alienation or encumbrance over the property in dispute. After that order passed by this Court, the third respondent has transferred the patta in his favour. Challenging the same, the petitioner herein filed a Writ Petition in W.P.(MD) No. 1171 of 2017 and this Court, by an order dated 23.03.2017, has passed the following order:-

"Both the learned counsels have agreed that the interim order passed by this Court in the present Writ Petition dated 25.01.2017 will hold good till the disposal of the original suit in O.S.No.46/2015 pending on the file of the Sub Court, Ramanathapuram. After the disposal of the said suit, the mutation of records will have to be done in accordance with the verdict of the civil Court, in the mean while respondents 5 to 9 shall not take any advantage of the fact that the mutation of the records has taken place on 29.10.2015."

3. After the disposal of the Writ Petition, the suit was returned and re-presented before the District Court, Ramanathapuram and the suit was renumbered as O.S.No.37 of 2017. Pending suit, the respondents are trying to encumber and alienate the property and hence, the present Writ Petition has been filed.

4. I have heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 to 9.

5. On perusal of the earlier order passed by this Court, it is seen that there is a clear direction that any mutation of revenue records has to be taken place only after the disposal of the suit, which is pending before the Civil Court. Admittedly, now the Civil Suit is pending before the District Court. The learned counsel appearing for the respondents have submitted that the suit is transferred to the First Additional District Court, Ramanathapuram. If at all, the petitioner has any grievance that the respondents are



trying to encumber and alienate the property, it is always open to him to approach the Civil Court and get suitable orders and the parties cannot approach this Court by way of Writ Petition. Hence, the Writ Petition is liable to be dismissed.

6. However, since the suit is pending from 2015, the **(*)First Additional District Court, Ramanathapuram** is directed to dispose of the suit in O.S.No.37 of 2017, within a period of eight months from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.(MD)Nos.15209, 18123, 19123 of 2017 are closed.

Sd/-

Assistant Registrar(C.O)

**(*)AMENDED AS PER ORDER OF THIS
HON'BLE COURT DATED 09.02.2018**

/True Copy/

Sub-Assistant Registrar

(*)TO BE SUBSTITUTED ORDER ALREADY DESPATCHED ON 05.02.2018

To

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

2.The Inspector of Police,
Ramanathapuram Bazaar Police Station.

(*)3.The First Additional District Judge, Ramanathapuram

+One cc to M/s.Chettinad Legal Solutions, Advocate, SR.No.40606

+One cc to Mr.Mohammed Ibrahim Ali, Advocate, SR.No.40594

+One cc to The Special Government Pleader, SR.No.40802

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RL/7C/3P/SKN/RSK/SAR4/5/2/2018

RL/7C/3P/SV/MMS/SAR3/16/2/2018

W.P.(MD)No.18845 of 2017