

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.20232 of 2009
and M.P.No.2 of 2009

K.Lakshmi

... Petitioner

Vs.

1.Revenue Divisional Officer
Cuddalore
Cuddalore District

2.Ilam Paruthi
3.Pavadai Kounder

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records and quash the order passed by the 1st respondent in his proceedings Na.Ka.No.A3-1449-2009 dated 09.09.2009.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.B.Anand, G.A. for R1
Mr.M.S.Subramanian for R2
R3 - No Appearance

O R D E R

The petitioner has filed the writ petition seeking issuance of Writ of Certiorari to call for the records and quash the order passed by the 1st respondent in his proceedings Na.Ka.No.A3-1449-2009 dated 09.09.2009.

2.Heard Mr.R.Gururaj, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate appearing for the 1st respondent and Mr.M.S.Subramanian, learned counsel for the 2nd respondent. Despite service of notice and the name of the 3rd respondent printed in the cause list, none appeared on behalf of the 3rd respondent.

3. It is seen from the records that the Tahsildar, Banruti issued patta in favour of the petitioner in respect of land in Survey No.260/6 and 260/10 situated in Madalapattu Village, Cuddalore Taluk, Cuddalore District and the same was successfully challenged by the 2nd respondent before the 1st respondent.

4.The learned Government Advocate appearing for the 1st respondent would submit that in respect of the property cited supra, there was a rival claim by the petitioner and the 2nd respondent and the issue is pending before the Court of District Munsif, Cuddalore, in O.S.No.274 of 2007. The learned counsel for the 2nd respondent has also stated that the suit has not been disposed of.

5.The learned Government Advocate would further submit that as against the order of the 1st respondent, revision will lie before the District Revenue Officer, however without availing alternate effective remedy, this writ petition shall not be ordered.

6.In the present case on hand, it is not disputed that there is a rival claim between the petitioner and the 2nd respondent over the properties referred supra and the issue is pending before the Civil Court. It is also to be seen that as against the order of the 1st respondent, revision will lie before the DRO. Hence, I find no valid ground to interfere with the order questioned in this writ petition.

7.Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition if any is also stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer
Cuddalore, Cuddalore District.

+1 cc to M/s.R.Gururaj, Advocate Sr.No. 69805
+1 cc to Mr.M.S.Subramanian, Advocate Sr.No.70958
+1 cc to The Government Pleader Sr.No.70221

AKM/26.09.19/2P-5C /
AKM/20.11.19

W.P.No.20232 of 2009