

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.13941 and 13942 of 2018

W.P.No.13941/2019

O.G.Radhakrishnan

...Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore,
Coimbatore District.
3. The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
4. The Tahsildhar,
Coimbatore,
Coimbatore District.
5. The Executive Officer,
Asokapuram Village Panchayat,
Coimbatore - 641 022.
6. The Village Administrative Officer,
Kurudampalayam Village,
Coimbatore District.
7. K.H.Haridas
8. Jayaramdas
9. Ramya
10. Padmaja
11. Arunchalam

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12. Saraswathi
13. Sivagami
14. Ganeshan
15. Udayakumar
16. Pompavai
17. Dhanalakshmi
18. Pooranchandran
19. Sampath Kumar
20. Kamalaveni
21. Thenselvi
22. Rangarajan
23. Narayanan
24. Balakrishnan
25. Karunabiha
26. Senthil Kumar
27. Jothi Kumar
28. Gnanasabapathy
29. Ramamurthi
30. Maheshkumar
31. Suresh

(Respondents 7 to 31 are impleaded as per the order of the Court made in W.M.P.No.24728/2018 in W.P.No.13941/2018 by KRCBJ dated 29.04.2019)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 6th respondent to delete the entries in the Adangal maintained by the 6th respondent insofar as S.No.230/1A, 230/6A, 231/1A and 232/1A of Kurudampalayam Village.

W.P.No.13942/2019

O.G.Radhakrishnan

Vs.

...Petitioner

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore,
Coimbatore District.
3. The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
4. The Tahsildhar,
Coimbatore,
Coimbatore District.
5. The Executive Officer,
Asokapuram Village Panchayat,
Coimbatore - 641 022.
6. The Deputy Tahsildhar,
Coimbatore North,
Coimbatore District
7. K.H.Haridas
8. Jayaramdas
9. Padmaja
10. Arunchalam
11. Saraswathi
12. Sivagami
13. Ganeshan
14. Udayakumar
15. Pompavai
16. Dhanalakshmi



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17. Pooranchandran
18. Sampath Kumar
19. Kamalaveni
20. Thenselvi
21. Narayanan
22. Balakrishnan
23. Karunabiha
24. Senthil Kumar
25. Jothi Kumar
26. Gnanasabapathy
27. Ramamurthi
28. Mahesh Kumar
29. Suresh

(Respondents 7 to 29 are impleaded as per the order of the Court made in W.M.P.No.24806/2018 in W.P.No.13942/2018 by KRCBJ dated 29.04.2019)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 6th respondent to delete the entries in the A-Registrar as "Poosthi Cart Track" insofar as S.No.230/1A, 230/6A, 231/1A and 232/1A of Kurudampalayam Village.

For Petitioner
in both the W.Ps. : Mr.R.Gandhi
Senior Counsel
for Mr.C.Veeraraghavan

For Respondents
in both the W.Ps.: Mr.R.Govindasamy
Special Government Pleader
for R1 to R6
Mr.K.Myilsamy
for impleaded respondents.

C O M M O N O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents 1 to 6. Mr.K.Myilsamy, learned counsel takes notice for the impleaded respondents. By consent of the parties, this main writ petitions are taken up for final disposal at the admission stage itself.

2. Insofar as W.P.No.13941/2019 is concerned, the petitioner seeks for a Mandamus directing the 6th respondent to delete the entries in the Adangal maintained by the 6th respondent insofar as S.No.230/1A, 230/6A, 231/1A and 232/1A of Kurudampalayam Village. Insofar as W.P.No.13942/2019 is concerned, the petitioner seeks for a Mandamus directing the 6th respondent to delete the entries in the A-Registrar as "Poosthi Cart Track" insofar as S.No.230/1A, 230/6A, 231/1A and 232/1A of Kurudampalayam Village.

3. According to the petitioner the above referred lands are his private property, however, the same has been classified as cart track in the revenue records. Therefore, the petitioner seeks for making correction in the revenue records. Ventilating such grievance, the petitioner has also made two representations on 30.04.2018 and 03.05.2018.

4. The learned senior counsel for the petitioner submitted that suffice if a direction is issued to the revenue officials to consider the representations of the petitioner and pass orders on the same on merits and in accordance with law.

5. On the other hand, the learned counsel appearing for the impleaded respondents invited this Court's attention to the earlier order passed in the Writ Petition filed by the very same petitioner in W.P.No.31732/2017 dated 07.12.2017 and pointed out the pendency of two suits in O.S.No.2223/2013 on the file of the District Munsif Court, Coimbatore and O.S.No.1259/2013 on the file Sub Court, Coimbatore between the petitioner and the private respondents in respect of the very same subject matter property and thus, submitted that during the pendency of those suits, the petitioner is not entitled to seek for correction in the revenue records.

6. Upon hearing both sides, and perusing the materials placed before this Court, it is seen that the very same petitioner approached this Court and filed W.P.No.31732/2017 and sought for Mandamus forbearing the respondents viz., the revenue officials, from interfering with his possession of the subject matter property and this Court by order dated 7.12.2017 disposed of the said writ petition as follows:

4. Admittedly, in respect of the very same subject matter property, two suits are filed by the very same petitioner, one in O.S.No.2223/2013 on the file of the District Munsif Court, Coimbatore and another in O.S.No.1259/2013 on the file of the Sub-Court, Coimbatore. In the earlier suit, three private parties are defendants, whereas in the latter suit, the present official respondents are arrayed as the defendants therein, apart from those three private individuals. It is also an admitted fact that both the suits are filed seeking for declaration and permanent injunction. When such being the factual position, I do not think that the petitioner is entitled to maintain the present writ petition seeking for the above relief which in effect is nothing but seeking an interim injunction and permanent injunction in respect of the very same property, especially, when the Civil Suits are already filed by the very same petitioner and the same are pending before the concerned Courts. Therefore, I find that the present writ petition is not maintainable. Accordingly, the Writ Petition is disposed of without expressing any view on the merits and contentions raised by the petitioner as it is for the petitioner to work out the remedy before the Competent Court where the suits are pending. No costs. Consequently, connected miscellaneous petition is closed.

Therefore, it is evident that in respect of the very same subject matter property, two Civil Suits are pending between the petitioner and the private parties and therefore,, unless and until those suits are decided on merits, the petitioner is not entitled to seek for any correction in the revenue records as sought for in the present Writ Petition. Needless to say that the party who succeeds in the civil proceedings can very well approach the revenue officials and seek for correction in the revenue record. Till then, it would be only a futile exercise by the revenue officials to make any corrections in the revenue records.

7. Accordingly, without expressing any view on the merits of claim made by the respective parties, this Writ Petition is disposed of by directing the III Additional Sub Court, Coimbatore, to dispose of O.S.No.1259/2013 and the District Munsif Court, Coimbatore to dispose of O.S.No.2223/2013 on merits and in accordance with law, after hearing both parties,

within a period of six months from the date of receipt of a copy of this order. Registry is directed to mark a copy to the respective Courts. No costs.
vsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore,
Coimbatore District.
3. The Revenue Divisional Officer,
Coimbatore,
Coimbatore District.
4. The Tahsildhar,
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5. The Executive Officer,
Asokapuram Village Panchayat,
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6. The Village Administrative Officer,
Kurudampalayam Village,
Coimbatore District.
7. The Deputy Tahsildhar,
Coimbatore North,
Coimbatore District.
8. The III Additional Judge,
Coimbatore.
9. The District Munsif Court,
Coimbatore.

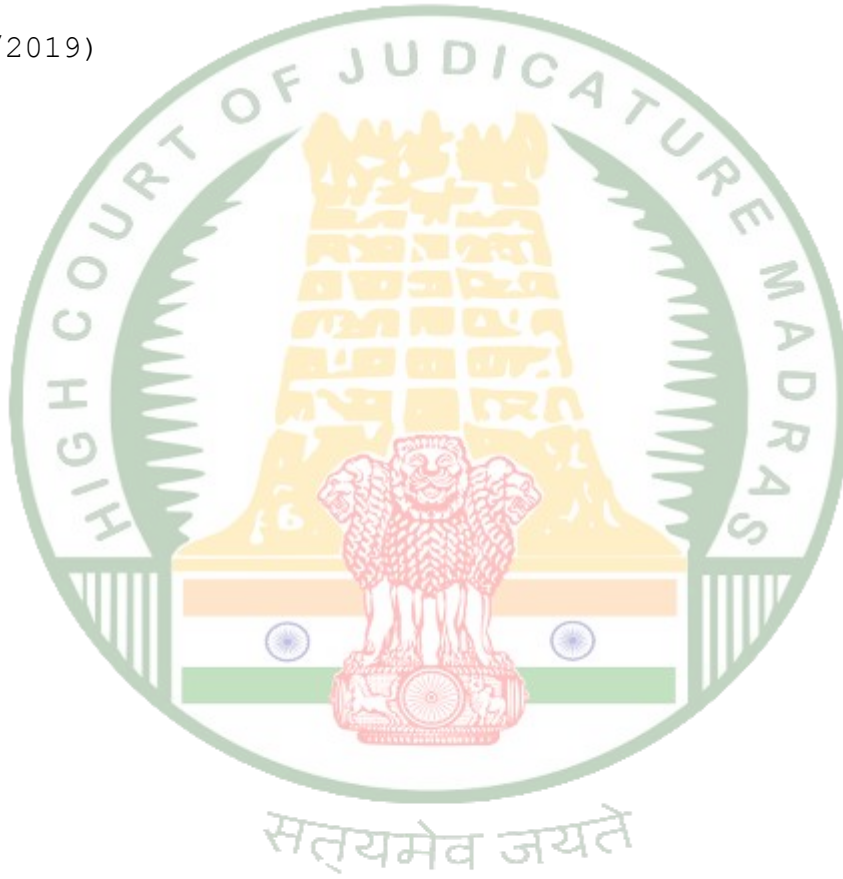
+2CCs to Mr.C.Veeraraghavan, Advocate, SR.No.41709, 41710

+lcc to Mr.K. Myilsamy, Advocate, SR.No.41684

+lcc to the Govt.Pleader, Vide Sr.No.42489

W.P.No.13941 & 13942 of 2018

GJ (CO)
Kak(09/07/2019)



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