IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13554 of 2019

T.S.M.Jain College of Technology,
represented by its Chairman,
T.Manohar Kumar Surana,
No.113, Salem Main Road,
Kallakurichi and Taluk,
Villupuram District. ... Petitioner

Vs.

1. The Sub-Collector,
Office of the Collectorate
Kachrapalayam Road,
Kallakurichi,
Villupuram District.

2. The Tahsildar,
Kutchery Road,
Kallakurichi,
Villupuram District.

3. District Revenue Officer,
Officer of the Collectorate,
Villupuram District.

4. Arivarasan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from making any changes in the entires in revenue records with respect to lands in Survey Nos.131/4A, 133/1A, 133/1C1 and 133/2 situated in Melur Village, Kallakurichi District, on the strength of the order dated 25.03.2019 during the pendency of the statutory appeal before the District Revenue Officer, Villupuram.

For Petitioner : Mr.M.Chandra Prakash Surana

For Respondents : Mr.R.Govindasamy,
Special Government Pleader.

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O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. Since this writ petition is disposed of without affecting the interest of the fourth respondent, notice to the said respondent is dispensed with.

2. The petitioner seeks for Mandamus forbearing the respondents from making any changes in the entires in revenue records with respect to lands in Survey Nos.131/4A, 133/1A, 133/1C1 and 133/2 situated in Melur Village, Kallakurichi District, on the strength of the order dated 25.03.2019 during the pendency of the statutory appeal before the District Revenue Officer, Villupuram.

3. It seems that the petitioner, in a patta proceedings, aggrieved against the order of the 1st respondent, filed further appeal before the 3rd respondent. It is stated that the said appeal is pending before the 3rd respondent and not yet disposed of. Pending disposal of the appeal, the petitioner seeks for the relief as sought for in this writ petition.

4. In my considered view the petitioner is not entitled to seek any indulgence from this Court by way of the present writ petition, when already an appeal was filed before the 3rd respondent and the same is pending, which is to be considered on its own merits and in accordance with law. When such being the factual position, the grant of any relief as sought for in this writ petition would certainly influence the mind of the 3rd respondent, who is the appellate authority.

5. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of only by granting liberty to the petitioner to agitate the matter before the 3rd respondent also by filing interim application,if needed. On such filing of interim application or if any interim application was already filed by the petitioner, the 3rd respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after hearing the parties concerned, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Collector,
   Office of the Collectorate
   Kachrapalayam Road,
   Kallakurichi,
   Villupuram District.

2. The Tahsildar,
   Kutchery Road,
   Kallakurichi,
   Villupuram District.

3. District Revenue Officer,
   Officer of the Collectorate,
   Villupuram District.

+1 cc to Mr.M.Chandra Prakash Surana, Advocate, Sr.No. 42467
+1 cc to The Government Pleader, Sr.No.43231

W.P.No.13554 of 2019

GJ(CO)
CSL/28.05.2019

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