



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12366 of 2019

and

W.M.P. (MD) No.9240 of 2019

T.Pandian

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Thanthondrimalai,
Karur District.

2.The District Revenue Officer,
District Revenue Office,
District Collector Office,
Thanthondrimalai,
Karur District.

3.The Tahsildar,
Tahsildar Office,
Karur.

4.The Zonal Deputy Tahsildar,
Tahsildar Office, Karur.

5.The Village Administrative Officer,
Thoranakkalpatti Village,
Rayanoor, Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents not to alter or remove or cancel the petitioner's name in the patta No.742 and all other revenue records in Survey No.467/B in Thoranakkalpatti Village, Karur Taluk, Karur District till the outcome of the Appeal Suit in A.S.No.2 of 2018 on the file of the Additional Sub Court, Karur.

For Petitioner : Ms.S.Mahalakshmi

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

**ORDER**

The petitioner herein was one of the defendants in O.S.No.252 of 2014, on the file of the Additional District Munsif Court, Karur. The suit filed by one Duraisamy and others was decreed on 28.11.2017. Questioning the same, the petitioner has filed A.S.No.2 of 2018 on the file of the Additional Sub Court, Karur. Though the petitioner had applied for an interim order in the said First Appeal, the same is yet to be disposed of. In the meanwhile, the authorities are attempting to change the entry in the relevant revenue records, thereby prejudicing the petitioner's rights. The petitioner, therefore, wants this Court to restrain the authorities from doing so, till A.S.No.2 of 2018, on the file of the Additional Sub Court, Karur, is disposed of.

2. The writ petition is clearly not maintainable, in view of the decision of the Honourable Supreme Court reported in [**AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)**]. The main prayer of the writ petition can never be in the form of an interim arrangement. Admittedly, the petitioner has lost in the civil proceedings. He has rightly filed A.S.No.2 of 2018. Therefore, the petitioner must necessarily workout his rights only in the pending First Appeal. I, of course, find some merit in the petitioner counsel's submission that on account of non-disposal of the interim application in A.S.No.2 of 2018, he is likely to suffer prejudice. Therefore, I direct the learned Additional Sub Judge, Karur or whichever Court that is in-charge of the said Court to dispose of the interim application filed by the petitioner herein in A.S.No.2 of 2018 on merits and in accordance with law on or before 28.06.2019. Since the appeal has been filed in time and on account of its non-disposal, the present cause of action arose, in the facts and circumstances of the case, this Court directs the respondents to maintain status quo till 28.06.2019.

3. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The District Collector,
District Collector Office,
Thanthondrimalai, Karur District.



2.The District Revenue Officer,
District Revenue Office,
District Collector Office,
Thanthondrimalai, Karur District.

3.The Tahsildar,
Tahsildar Office,
Karur.

4.The Zonal Deputy Tahsildar,
Tahsildar Office, Karur.

5.The Village Administrative Officer,
Thoranakkalpatti Village,
Rayanoor, Karur.

+1 CC to M/s.S.MAHALAKSHMI, Advocate SR-66383.

+1 CC to SPL GP SR-66671.

W.P. (MD) No.12366 of 2019

CS: (20/06/2019) 3P 8C