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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.8158 of 2018

C.Ramalingam ... Petitioner

Vs

1.The District Revenue Officer,
Madurai District,
Madurai-625020.

2.Vijaya Mayan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order letter Na.Ka.No.G2/89476/07 dated 02.02.2018 issued by the first respondent and quash the same as illegal, incompetent.

For Petitioner : Mr.L.Rajiah
For R1 : Mr.M.Karuppasamy
Government Advocate
For R2 : Mr.Palanivelayutham

ORDER

Heard the learned counsel on either side.

2. The petitioner is aggrieved by the impugned order passed by the first respondent granting patta in favour of the second respondent herein. It is seen that the second respondent had filed O.S.No.531 of 2004 on the file of the II Additional Subordinate Court, Madurai. The petitioner herein figured as the first respondent in the said suit. The subject property was part of the suit schedule. The suit was dismissed on 24.11.2015. Questioning the same, the second respondent has filed A.S.No.7 of 2016 before the Principal District and Sessions Court and it is still pending. When the second respondent had already lost the civil proceedings against the writ petitioner, it is not open to the Revenue authority to pass order in her favour. The Revenue authority is bound by the decision of the civil Court.

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3. In this view of the matter, the order impugned in this writ

petition is set aside. Of course if the second respondent succeeds in A.S.No.7 of 2016, the revenue records will have to be changed in tune with the civil Court decision.

4. The Writ Petition is allowed accordingly. No costs.

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Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Revenue Officer,
Madurai District,
Madurai-625020.

+1cc to Mr.S.PALANI VELAYUTHAM, Advocate, SR.No.55706
+1cc to Mr.L.RAJIAH, Advocate, SR.No.55531
+1cc to M/s.Special Government Pleader,SR.No. 55662

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RMK
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