



WEB COPY

W.P.(MD)No.26707 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.26707 of 2019

and

W.M.P. (MD)No.23036 of 2019

G.Srihari

... Petitioner

vs.

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Vattirayiruppu, Virudhunagar District.

3.Eswaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forebear the second respondent from conducting the enquiry pursuant to the proceedings in Na.Ka.A4/1160/19, dated 16.10.2019 by the second respondent till the disposal of the appeal pending before the first respondent.

For Petitioner :Mr.C.Jeyaprakash

For R1 and R2 :Mr.A.Thiyagarajan

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to forebear the second respondent from conducting the enquiry pursuant to the proceedings in Na.Ka.A4/1160/19, dated 16.10.2019 by the second respondent till the disposal of the appeal pending before the first respondent.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner claims title to the property in S.Nos.216/1, 652/3 and 215/3 at Kottaiyur Village, Virudhunagar District based on a partition deed, dated 10.01.1971 and by a Will, dated 10.03.1979. It is stated by the petitioner that by fraudulent means, patta has been transferred in the name of another person, and that the petitioner had filed an appeal before the Revenue Divisional Officer for cancellation of patta. It is also stated that the petitioner



has also filed an appeal before the District Revenue Officer, namely, the first respondent, because, the change was only during UDR. However, the petitioner challenges a notice issued to him for an enquiry in connection with the petition submitted by the third respondent.

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4.The learned Counsel for the petitioner submitted that the third respondent has purchased the property from the person, in whose name patta had been transferred. The petitioner wants to establish that earlier patta had been transferred in favour of third parties on the basis of the fraudulent document.

5.Though an order has been passed earlier, the petitioner has filed an appeal before the District Revenue Officer and it is pending. In such circumstances, it is open to the petitioner to participate in the enquiry proceedings pursuant to the impugned notice issued by the second respondent and put forth his submissions in the petition filed by the third respondent.

6.Having regard to the sequence of events, liberty is given to the petitioner to raise all his objections before the second respondent. The Tahsilar shall pass final orders after the disposal of appeal by the District Revenue Officer provided the petitioner produce records to show that the appeal is pending before District Revenue Officer. This Writ Petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The District Revenue Officer, Virudhunagar District,
Virudhunagar.

2.The Tahsildar, Vattirayiruppu,
Virudhunagar District.

+1 CC to M/s.SPL.GP, Advocate (SR-105313[F] dated 17/12/2019)

+1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-105344[F] dated 17/12/2019

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