

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No.13817 of 2020

1.P.Ramanathan

2.Natarajan

... Petitioners

Vs.

1.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

2.The District Revenue Officer,
Salem, Salem District.

3.The Revenue Divisional Officer,
Sankagiri Taluk,
Salem District.

4.The Tahsildar,
Edappadi Taluk,
Salem District.

5.Perumal

6.Madhu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to orders passed by the 2nd respondent in his proceeding in Na.Ka.36415/2019/G1 dated 30.06.2020 and the order passed by the 3rd respondent in his proceeding Pa.Mu.300/2019(C) dated 05.12.2019, quash the same.

For Petitioners

: Mr.M.Elango

For Respondents 1 to 4

:Mr.S.N.Parthasarathi

Page numbers

ORDER

This Writ Petition has been filed challenging the impugned order passed by the second respondent dated 30.06.2020.

2.The case of the petitioners is that they are the owners of the subject property. They made an application on 09.05.2008 before the fourth respondent seeking to sub divide the subject property and grant of a separate patta. The fourth respondent passed an order for sub division of the property and for grant of patta in favour of the petitioners. This order was passed on 16.06.2008. Subsequently, an appeal was filed before the third respondent and the third respondent, by order dated 05.12.2019, had set aside the order passed by the Tahsildar and allowed the appeal. Aggrieved by the same, the petitioners filed an appeal before the second respondent.

3.The second respondent, after considering the entire facts, passed the impugned order dated 30.06.2020 wherein the second respondent has kept the order passed by the third respondent in abeyance till the final result in the pending suit in O.S.No.411 of 2019, on the file of the District Munsif Court, Edappadi.

4.Heard Mr.M.Elango, learned counsel for the petitioners and Mr.S.N.Parthasarathi, learned Government Advocate for respondents 1 to 4.

5.The learned Government Advocate, on instructions, submitted that pursuant to the orders passed by the second respondent, necessary instructions have been issued to the fourth respondent not to cause any mutation in the revenue records and maintain the status quo till the final disposal of the suit.

6.This Court has carefully considered the submissions made on either side and also carefully perused the order passed by the second respondent. In the considered view of this Court, there is absolutely no ground to interfere with the order passed by the second respondent. The second respondent was perfectly right in stating that the parties are already before the Civil Court and therefore, the revenue will have to lay off its lands from the issue till it is finally decided by the competent Civil Court. The stand taken by the second respondent is perfectly in accordance with law and also the earlier judgments passed by this Court. Further, no prejudice is going to be caused to the petitioners since the status quo is going to be maintained in the revenue records till the final disposal of the Civil Suit.

Page numbers

7.In view of the above, this Court does not find any merits in the writ petition and accordingly, the same is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

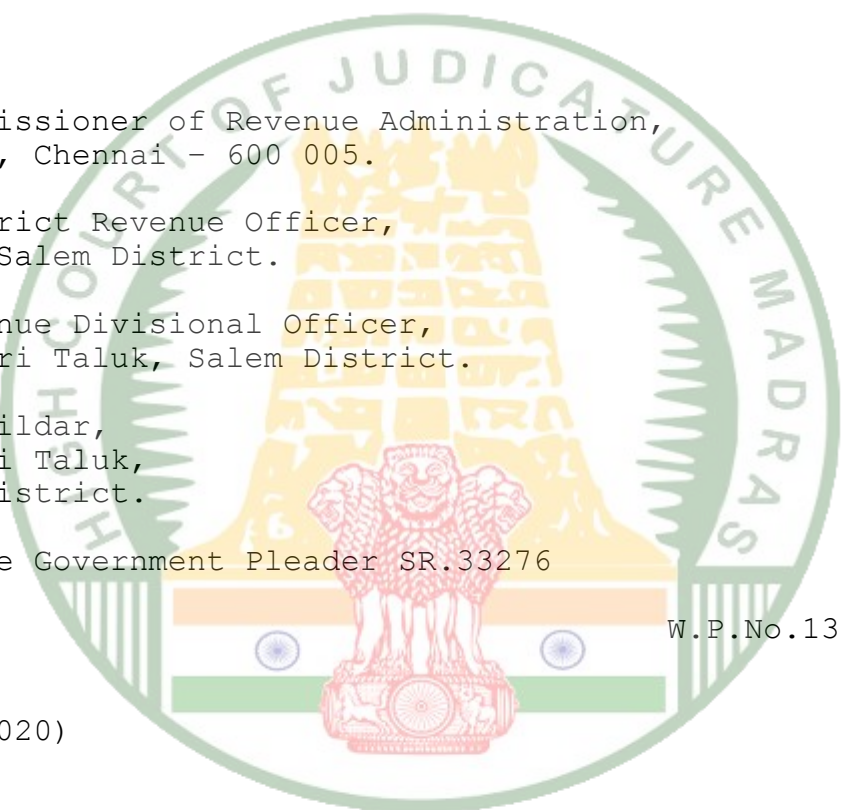
To

- 1.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
- 2.The District Revenue Officer,
Salem, Salem District.
- 3.The Revenue Divisional Officer,
Sankagiri Taluk, Salem District.
- 4.The Tahsildar,
Edappadi Taluk,
Salem District.

+1cc to the Government Pleader SR.33276

W.P.No.13817 of 2020

CP(CO)
CB(05/11/2020)



सत्यमेव जयते

WEB COPY

Page numbers