



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.13163 of 2012

K.Duraipandi Nadar

... Petitioner

Vs.

1.The District Revenue Officer,
cum District Magistrate,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.

3.V.Balakrishnan

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent herein, in his proceedings A/5770/2010 dated 07.10.2020, quash the same and consequently, direct the 2nd respondent to issue patta to the petitioner in respect of the lands situated in S.No.73/2A at V.Pedavatti Village, Ettayipuram Taluk, Tuticorin District.

For Petitioner	: Mr.F.Deepak
For R1 and R2	: Mr.C.Ramesh Special Government Pleader
For R3	: Mr.Srinivasan

O R D E R

This writ petition is filed to quash the impugned order passed by the second respondent in his proceedings A/5770/2010 dated 07.10.2020, and consequently, to direct the second respondent to issue patta to the petitioner, in respect of the lands situated in S.No.73/2A at V.Pedavatti Village, Ettayipuram Taluk, Tuticorin District.

2.Heard Mr.F.Deepak, learned counsel appearing for the petitioner, Mr.C.Ramesh, learned Special Government Pleader appearing for the first and second respondents and Mr.Srinivasan, learned counsel appearing for the third respondent.

3.The learned counsel appearing for the petitioner
<https://hcmis.tn.gov.in/hcmis> against the order of the Revenue Divisional Officer



dated 31.10.2007, the writ petitioner has filed a revision petition before the District Revenue Officer on 20.12.2007, for granting patta in the name of the third respondent. The said revision was allowed, cancelling the patta granted in favour of the third respondent. In such circumstances, the petitioner sent a representation to the second respondent to change the patta in his name. Since the second respondent has not taken any steps, the petitioner has filed a writ petition in W.P(MD).No.5262 of 2010 and after hearing, the said writ petition was disposed of. Pursuant to the direction issued by this Court, the second respondent has passed the impugned order stating that the third respondent has filed a suit in O.S.No.13 of 2007 before the District Munsif Court, Vilathikulam, for declaration and injunction and the same is pending. Subsequently, the said suit was transferred to another Court.

4.The learned counsel appearing for the third respondent submitted that the Tahsildar, Ettaiyapuram, has passed an order in his proceedings vide A/5770/2010 dated 07.10.2010 stating that the suit is pending before the District Munsif Court, Vilathikulam and therefore, till the final decision is taken by the civil Court in the said suit, the petitioner cannot seek remedy for changing the patta.

5.By taking note of the fact that the dispute between the parties is now pending before the civil Court and the impugned order was passed in the year 2010, this Court directs both the parties shall wait till the final decision is taken by the civil Court in the said suit. Further, both parties shall co-operate with the disposal of the said suit at the earliest. The petitioner is directed to place the copy of this order before the Civil Court for early disposal of the said suit.

6.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

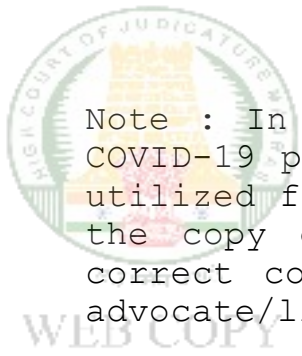
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/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
cum District Magistrate,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ettaiyapuram Taluk,
Thoothukudi District.

+1 CC to Mr.V. PERUMAL, Advocate (SR-15641[F] dated 02/09/2020)

+1 CC to SGP (SR-15698[F] dated 02/09/2020)

W.P. (MD)No.13163 of 2012
01.09.2020

KM (15.09.2020) 3P 5C