



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.6009 of 2011

and

M.P. (MD)Nos.1 to 3 of 2011

G.Mallika

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.Tmt.Latha

3.Subha

4.Dharmar

... Respondents

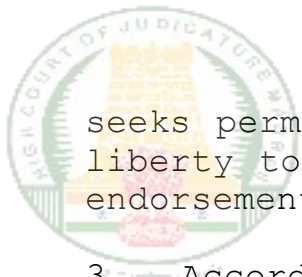
Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the First Respondent herein in his proceedings in K.K.vz/8980/2010/m3, dated 21.12.2010 and quash the same and further direct the first respondent herein to restore the Patta No.148 in the name of the petitioner within the time stipulated by this Court.

For Petitioner	:	Mr.D.Nallathambi
For R2 to R4	:	Mr.A.Jayaramachandran
For R1	:	Mr.S.Murugan
		Additional Government Pleader

O R D E R

The Petitioner challenges the proceedings in K.K.vz/8980/2010/m3 dated 21.12.2010 passed by the First Respondent refusing to restore the name of the Petitioner in the revenue records.

2. Having regard to the settled legal position that when there is dispute relating to the title to the property, the Revenue Authorities would have to necessarily relegate the parties to the jurisdictional Civil Court for adjudication in that regard and depending upon its ultimate outcome, it would be open to the successful party to thereafter make necessary application before the concerned Revenue Authority for mutation of records relating to that property in his favour, Learned Counsel for the Petitioner



seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure. He has also made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is needless to clarify here that no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner and that while adjudicating the rival claims, the Civil Court shall not be influenced or inhibited by the past entries made in the revenue records in favour of either of the parties and the question of ownership of the property shall be independently determined on merits considering the evidence adduced by the contesting parties in accordance with law. That apart, in view of the doctrine of *lis pendens* incorporated in Section 52 of the Transfer of Property Act, 1852, none of the parties to the suit shall alienate or create any form of encumbrances or third party interests or part with possession or alter the physical features of the property, without the prior permission of the Civil Court during its pendency. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

TO

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

+1 CC to M/s.SPL GP (SR-12259[F] dated 18/03/2020)

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-12326[F] dated 18/03/2020)

W.P. (MD) No.6009 of 2011
and

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NA (CO)

TR(15.05.2020) 2P 4C