BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.3301 of 2013
and M.P.(MD)Nos.1 & 2 of 2013 and 1 of 0214

Maruthaiveeran ... Petitioner

Vs.

1.The Revenue Divisional Officer,
Musiri, Trichy District.

2.Periyasamy ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the proceedings of the first respondent made in Na.Ka.A1.232/2012 dated 04.02.2013 and quash the same.

For Petitioner : Mr.K.Govidarajan

For R1 : Mr.A.Muthukaruppan,
Additional Government Pleader.

For R2 : Mr.H.Arumugam

ORDER

This writ petition has been filed to quash the proceedings of the first respondent made in Na.Ka.A1.232/2012 dated 04.02.2013.

2.It is the case of the petitioner that his father purchased an extent of 751/2 cents in S.No.577/3A1 in M.Kalathur Village by a sale deed dated 29.07.1991 and that after purchasing the property on 29.07.1991, he was in possession and enjoyment of the property without any interference from any one. Since the petitioner's father was in possession of 32 Ares, it is stated by the petitioner that he was given patta vide patta no.432. Patta now stands in the name of petitioner. The dispute between the petitioner and the second respondent is in respect to the 4 cents, which is stated to have been purchased by the second respondent's father from the same owner one Saraswathiammal. The second respondent submitted a petition before the first respondent on the ground that patta has been wrongly mutated in favour of the petitioner. Vide impugned notice, the Revenue Divisional Officer has only called the petitioner for an enquiry based on the representation of the second respondent.

3.The petitioner has stated that the Revenue Divisional Officer has no jurisdiction to hold an enquiry as the Act does not contemplate an enquiry by the Revenue Divisional Officer as original authority. The petitioner has filed a suit and the same is pending. Hence, it is submitted that the Revenue Divisional Officer need not pass any order during the pendency of the suit. It is submitted that when dispute is pending before the competent civil Court any order passed by the first respondent will be premature.

4.This Court is unable to accept the same. This Court has already held that pendency to the suit cannot create any bar to stall the proceedings before authorities under Patta Pass Book Act in view of the bar under Section 14 of the Act. Merely because a suit filed by the petitioner is pending, the petitioner cannot approach this Court to stall of the enquiry, which is conducted under the provisions of Tamila Nadu Patta Passbook Act.

5.The learned counsel for the petitioner has stated that patta stands in the name of the petitioner. As against the entry pursuant to the order of the Thasildar, an appeal will lie before the first respondent under Section 12 of the Tamil Nadu Patta Passbook Act. Hence, this Court find that the petitioner is not right in contending that the first respondent has no power or jurisdiction to hold an enquiry. Accordingly, this writ petition is dismissed and the first respondent is directed to complete the enquiry and pass appropriate order on merits, within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall be given sufficient opportunity to participate in the enquiry. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Revenue Divisional Officer,
Musiri, Trichy District.

+1cc to Mr.A.Arumugam, Advocate Sr.No.8550
+1cc to Mr.K.Govindarajan, Advocate SR.No.8513

AKM/08.05.2020 /3P-4C/

W.P.(MD)No.3301 of 2013