



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.9243 of 2020

and

W.M.P (MD)Nos.8425 & 8426 of 2020

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S.Sujay Kumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakkottai, Sivagangai District.

3.The Tahsildar,
Devakottai,
Sivagangai District.

4.Maria Arokiyam

5.Jeyarani

... Respondents

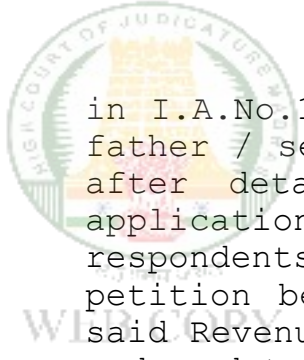
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned order of the second respondent in M.M.No.1-54-2017, dated 03.01.2020.

For Petitioner	:	Mr.S.Madhavan
For RR 1 to 3	:	Mr.C.Ramesh
		Special Government Pleader
For RR 4 & 5	:	Mr.A.L.Kannan

ORDER

Challenging the order passed in M.M.No.1-54-2017 dated 03.01.2020 by the second respondent, the present Writ Petition has been filed.

2.According to the petitioner, originally, the property comprised in Survey No.5/4 in Anthakudi Village, Devakottai Taluk belonged to his father and he acquired the said property by way of a registered settlement deed dated 17.06.2019 and thereafter, he is in possession and enjoyment of the said property. Claiming right over the said property, the respondents 4 and 5 had filed a suit in O.S.No.27 of 2019 on the file of the District Munsif Court, Devakottai seeking for the relief of declaration and in the said suit, the respondents 4 and 5 had filed an interlocutory application



in I.A.No.1 of 2019 for interim injunction against the petitioner's father / seventh defendant in the above said suit. The trial Court, after detailed enquiry, dismissed the above said interlocutory application by order dated 13.09.2019. In the mean time, the respondents 4 and 5, who had failed before the civil Court, filed a petition before the Revenue Divisional Officer, Devakottai and the said Revenue Divisional Officer, Devakkotai, has passed the impugned order dated 03.01.2020, by cancelling the patta. Challenging the same, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that without affording an opportunity to the petitioner, the second respondent has passed the impugned order and therefore, the same is liable to be set aside.

4.The learned counsel appearing for the respondents 4 and 5 submitted that the respondents 4 and 5 can seek the remedy before the civil Court to work out their remedy, for which, the learned counsel appearing for the petitioner acceded to.

5.Considering the submissions made by the learned counsel appearing on either side and also considering the fact that both the parties agreed to decide the issue before the civil Court, this Court is inclined to pass the following order:-

(i) Both the parties shall maintain status quo as on today only in respect of the mutation of the revenue records, till the disposal of the suit in O.S.No.27 of 2019, which is pending on the file of the District Munsif Court, Devakottai.

(ii) The learned District Munsif, Devakottai, shall independently decide the said suit in O.S.No.27 of 2019, based on the oral and documentary evidences adduced by both the parties, without being influenced by any of the observations made by the Revenue Divisional Officer.

(iii) Both the parties shall co-operate for the disposal of the said suit.

6.With the above observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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 Munsif,
Devakottai.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakkottai,
Sivagangai District.
- 4.The Tahsildar,
Devakottai,
Sivagangai District.

+1 CC to M/s.GP (SR-16395[F] dated 09/09/2020)

Order made in
W.P. (MD) No.9243 of 2020
Dated:
08.09.2020

AP(16/09/2020) 3P 6C