



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2020

CORAM

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

W.P. (MD) No. 2129 of 2017

and

W.M.P. (MD) No. 1766 of 2017

Saratha

... Petitioner

Vs.

1. The District Revenue Officer Cum
Additional District Magistrate,
Ramanathapuram.

2. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3. The Thasildar,
Kadalady Taluk,
Ramanathapuram District.

4. Subbaiah

... 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 dated 09.09.2003 in Na.Ka.D5/103705/1996 and to quash the same, consequently direct the Third Respondent to issue the patta in the name of the Petitioner for Survey No.237/14, 237/18 of Kokkarankottai Village, Kadalady Taluk, Ramanathapuram District.

For Petitioner: Mr. V.Sasikumar

For R1 to R3 : Mr. S.Angappan,
Government Advocate.

O R D E R

The Petitioner challenges the order No.Na.Ka.D5/103705/1996 dated 09.09.2003 passed by the First Respondent granting patta in favour of the Fourth Respondent and has sought for a consequential direction to enter his name in the Revenue Records as owner of the property in Survey No.237/14, 237/18 of Kokkarankottai Village, Kadalady Taluk, Ramanathapuram District.



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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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 interest 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 Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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