

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

W.P. No. 6090 of 2010
and M.P. No.1 of 2010

Lakshmi Ammal

.. Petitioner

Vs

1. The District Revenue Officer,
Villupuram.
2. The Revenue Divisional Officer,
Thirukoilur, Villupuram District.
3. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.
4. Bangarammal
5. Dhanammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records on the file of the first respondent in his proceedings Na.Ka.A3/TD.R.R.PP16/2008 (A3/6641/2008) dated 20.02.2010 in confirming the order passed by the second respondent in his proceedings P.M/A3/4867/2007 dated 09.11.2007 and quash the same as illegal, unjust and contrary to law.

For Petitioner : Mr. V.Raghavachari
For Respondents 1-3 : Mr. I.Sathish
4&5 : No appearance

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ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorari to call for the records on the file of the first respondent in his proceedings Na.Ka.A3/TD.R.R.PP16/2008 (A3/6641/2008) dated 20.02.2010, confirming the order passed by the second respondent in his proceedings P.M/A3/4867/2007 dated 09.11.2007 and quash the same.

2. The dispute relates to transfer of patta. It is admitted that the petitioner filed a suit in O.S. No.52 of 2003 for declaration of title and consequential injunction in respect of the lands to which petitioner seeks patta. The said suit was decreed by judgment and decree dated 12.12.2005 by the learned Principal District Munsif Court, Ulundurpet. It is admitted that on appeal, the judgment and decree of trial Court was set aside and that the suit filed by the petitioner was dismissed. It is now admitted before this Court that the petitioner has filed a Second Appeal in S.A. No.337 of 2012 before this Court and it is pending.

3. Having regard to the fact that the suit filed by the petitioner is now dismissed, this Court cannot entertain this Writ Petition to consider the correctness of the order passed by the first respondent. It is repeatedly held by this court that the Civil Court alone is competent to decide the question of title or possession. The Revenue Officials may pass orders only in tune with the declaration of title by the Civil Court.

4. Second Appeal No.337 of 2012, which is ordered to be posted along with this Writ Petition, is de-linked so that the same may be decided on merits by the learned portfolio Judge concerned.

5. Learned counsel appearing for respondents 1 to 3 states that the sole appellant and the second respondent in the Second Appeal are no more and that steps have not been taken so far to bring on record the legal representatives of the deceased appellant and second respondent. Though the second appeal, as on date, is abated, this Court is of the view that the legal heirs of the petitioner may also take steps to prosecute the Second Appeal by impleading the legal heirs of the deceased parties.

6. Considering the facts and circumstances of this case, this Court is of the view that the petitioner can wait till the disposal of the Second Appeal. Accordingly, this Writ Petition is dismissed. No costs. It is open to the petitioner to approach the Revenue Officials if she succeeds in the pending Second Appeal and establishes her title as against private respondents. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

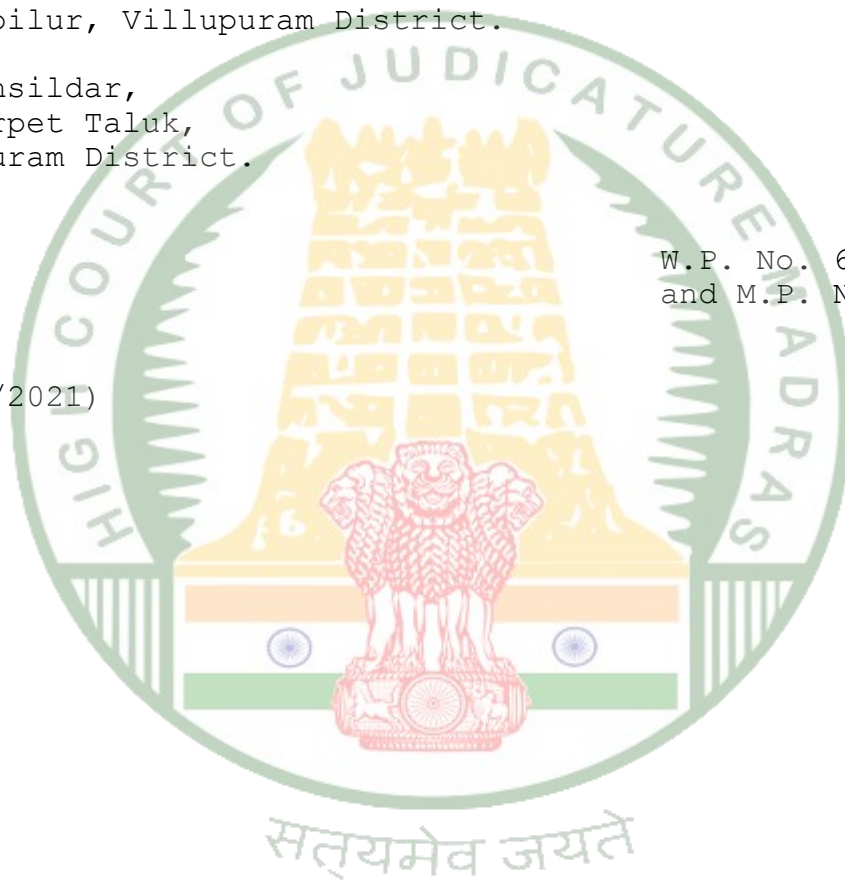
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To

1. The Principal District Munsif,
Ulundurpet.
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Thirukoilur, Villupuram District.
4. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

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