

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.662 of 2021
and C.M.P.No.3461 of 2021

1.Tharan Sri Sakthi
2.Jai Gudan

... Appellants/ Respondents 5 & 6

Vs

1.V.Sudhakaran
2.The Revenue Divisional Officer,
Coimbatore - 18.
3.The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.
4.The Inspector of Police,
Anti Land Grabbing Special Wing,
O/o Superintendent of Police,
Coimbatore - 18.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.02.2020 passed in W.P.No.18608 of 2013.

Prayer in W.P.No.18608 of 2013:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorarified Mandamus calling of the records relating to the impugned order Mu.Mu.194/2013/A2 dated 18.6.2013 passed by the 1st respondent and the consequential order dated 26.6.2013 made in Na.Ka. NO. 5896/ 2013/S1 passed by the 2nd respondent quash the same and consequently direct the respondents 1 and 2 to restore the mutation entries and forbear the 3rd respondent from interfering with the petitioners's Right to Property over an extent of 23 Cents comprised in S.F.No.742/C Bellaepalayam Village Mettupalayam Taluk Coimbatore District.

For Appellants : Mr.S.Sairaman
For Respondents : Mr.V.Kadhirvelu
Special Government Pleader
for R2 to R4

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This appeal has been directed against the order of the learned single Judge, who after taking note of the conclusion of the proceedings inter se parties with respect to the title, was pleased to allow the writ petition as prayed for.

2.Learned counsel appearing for the appellants submitted that the first respondent/writ petitioner ought to have invoked the statutory remedy available instead of approaching this Court. Incidentally, it is submitted that the unnumbered Special Leave Petition is still pending with the diary number.

3.Learned single Judge is perfectly right in holding that the revenue authorities are duty bound to follow the decree granted by the Court. While it is trite that the civil Court is not bound by the patta issued by the revenue official, being any document of title, such an official is bound by the decree. As on today, there is a title in favour of the first respondent/writ petitioner. The decree granted in O.S.No.288 of 1995 stands against the appellants. The judgment of the trial Court has been restored by allowing the second appeals on contest in S.A.Nos.2122 and 2123 of 2001 dated 01.11.2018. Though the Special Leave Petition is stated to have been filed as stated supra, the learned single Judge held that there is no proof to substantiate the submission of the learned counsel for the appellants to the effect that the case is still pending at the diary number stage.

4.In such view of the matter, we do not find any error in the order passed by the learned single Judge. However, we make it clear that any order that could be passed by the official respondents restoring all the revenue entries prior to the passing of the impugned order would certainly be subject to the orders if any that would be passed by the Apex Court. We are also rejecting the contention of the learned counsel for the appellants that the first respondent/writ petitioner ought to have exhausted the appeal remedy as law does not prohibit the exercise of power under Article 226 of the Constitution of India.

5.In view of the above, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mmi
To

1.The Revenue Divisional Officer,
Coimbatore - 18.

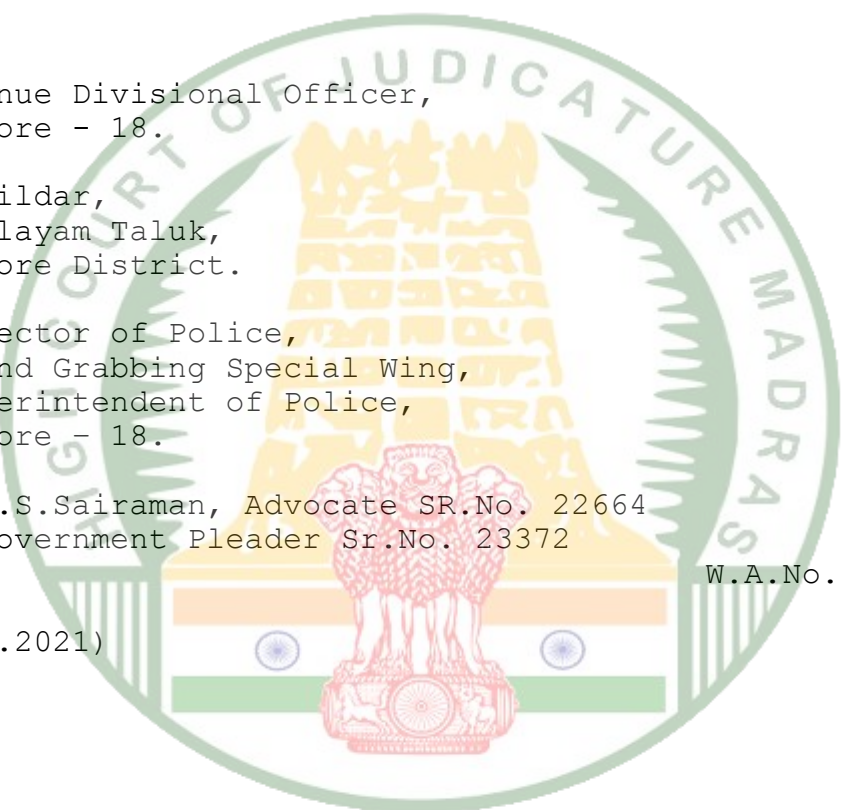
2.The Tahsildar,
Mettupalayam Taluk,
Coimbatore District.

3.The Inspector of Police,
Anti Land Grabbing Special Wing,
O/o Superintendent of Police,
Coimbatore - 18.

+1cc to Mr.S.Sairaman, Advocate SR.No. 22664
+1 cc to Government Pleader Sr.No. 23372

W.A.No.662 of 2021

CP (CO)
A.SK(16.06.2021)



सत्यमेव जयते

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