IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WP.NO.17250/2021

[Video Conferencing]

J. Krishnan ... Petitioner

Versus

1. The District Revenue officer,
District Collectorate,
Udhagamandalam,
The Nilgiris District.

2. The Executive Magistrate-cum-Sub Collector/
Revenue Divisional Officer,
District Collectorate,
Udhagamandalam,
The Nilgiris District.

3. The Thasildar,
Kundah Taluk office,
The Nilgiris District.

4. Mrs. Sujatha ... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to restore the revenue records namely patta and Chitta in the favour of the Petitioner's son namely K. Shivashankar in respect of the property comprised in Old Survey No. 284/2D, New Survey No. 584/9B and situated at Kil-kundah Village, Kundah Taluk, The Nilgiris District.

For Petitioner : Mr. K.Sasindran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

(1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondent.

(2) The petitioner herein is involved in a litigation in OS.No.87/2020 pending on the file of the learned District Munsiff, Udhagamandalam, with the 4th respondent.

(3) In view of the nature of the order to be passed now in this writ petition, notice to the 4th respondent is dispensed with.

(4) It seems that the 4th respondent had filed an application before the 2nd respondent, viz., the Executive Magistrate - cum - Sub Collector, at Udhagamandalam, to cancel the separate patta which had been issued in the name of the son of the petitioner herein. Summons had been directed by the 2nd respondent to the son of the petitioner. The son naturally informed that a civil suit is pending. It is claimed that thereafter, the petitioner had sent legal notices to the 4th respondent. But, however, the 2nd respondent had passed an order on 22.02.2021, where the sub-division carried out by the 3rd respondent, had been cancelled. The petitioner, had therefore, filed a statutory appeal before the 1st respondent/District Revenue Officer, Udhagamandalam.

(5) The grievance expressed by the learned counsel for the petitioner is that pending appeal, the 2nd respondent had directed the 3rd respondent to implement the order dated 22.02.2021, which had been naturally implemented by the 3rd respondent, acting on the instructions from his superior authority.

(6) In view of the fact that the appeal is pending with respect to the entire issue with the 1st respondent and further, a suit is also pending, it would highly be inappropriate for this Court to enter into the issue and pass an order, either in favour of the petitioner or adverse to the petitioner or in favour of the 4th respondent or adverse to the 4th respondent. Let the revenue officials do the necessary needful. The writ petition is misconceived and misadventured. The 1st respondent before whom the appeal is pending, may dispose of the same on or before 31.10.2021.

(7) The writ petition stands dismissed with the above observations. No costs.

-s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

AP

To

1. The District Revenue officer,
District Collectorate,
Udhagamandalam,
The Nilgiris District.

2. The Executive Magistrate-cum-Sub Collector/
Revenue Divisional Officer,
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Udhagamandalam,
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3. The Thasildar,
Kundah Taluk office,
The Nilgiris District.

+1cc to M/S.K.Sasindran, Advocate, SR.No.41455

WP.No.17250/2021

KSM(CO)
PM(03/09/2021)