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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23200 of 2019

R.C. Anusuya

... Petitioner

Vs.

- 1.The District Revenue Officer,
Tiruvallur.
2. The Revenue Divisional Officer,
Tiruvallur District.
3. Kalavathy Rangasamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the petition dated 27.07.2016 filed to set aside the ex-parte order dated 18.04.2016 and to decide the revision petition in R.C No.32229/15 on the file of the 1st respondent.

For Petitioner : Mr. G. Kiruthika

For Respondents 1 & 2 : Mr. M.R. Gokul Krishnan.
Government Advocate

For Respondent 3 : Mr. P.B. Balaji

O R D E R

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the petition dated 27.07.2016 filed to set aside the ex-parte order dated 18.04.2016 and to decide the revision petition on merits after hearing on both sides by giving a reasonable opportunity.

2. The case of the petitioner is that there was a property dispute between the petitioner and the 3rd Respondent due to which the 3rd Respondent herein filed an appeal before the 2nd Respondent and same was dismissed pointing out that the suit was



pending in O.S.No.66 of 2014 before the Additional District Munsif Court, Poonamallee. Aggrieved by the order passed by the 2nd respondent, the respondent herein filed a revision petition before the 1st respondent to set aside the order passed by the 2nd respondent and the same was allowed in which the petitioner was set ex-parte vide order dated 18.04.2016 by the District Revenue Officer, Thiruvallur. Aggrieved by the same, the present Writ petition has been filed by the petitioner to set aside the order dated 18.04.2016 passed by the District Revenue Officer.

3. The main grievance of the learned counsel for the petitioner is that no opportunity of hearing was granted to him before the impugned order dated 18.04.2016 passed by the 1st respondent.

4. The learned Government Advocate submits that there was a civil suit pending between the parties in O.S.No.66 of 2014 before the District Munsif Court, Poonamallee in which the order of interim injunction was passed and subsequently, the same was vacated.

5. A perusal of the materials available on record reveals that the petitioner claims that she is the owner of the property, however the 3rd respondent filed appeal before the Revenue Divisional Officer stating that the land bearing survey no 35/2 was purchased by her and the said land was erroneously registered in the name of one Nesamani and filed a petition to cancel the above said registration and grant patta in her name. However, the Revenue Divisional Officer pointing out to the suit in O.S.No.66 of 2014, which was pending on the file of the District Munsif Court dismissed the appeal and challenging the impugned order, revision petition was filed before the 1st respondent.

6. It is seen that in the suit filed interim injunction was granted in favour of the plaintiff and I.A.208 of 2014 was dismissed on the ground that the petitioner is not in physical possession of the suit property. Considering the above fact, 1st respondent passed the order dated 18.04.2016 quashing the order passed by the 2nd respondent and allowed the revision petition.

7. In view of the above, since the petitioner already approached the trial court in O.S.No.66 of 2014, unless the suit is disposed, no affirmative order can be passed by this Court as the issue involved is purely civil in nature and cannot be decided at this point of time under Article 226 of the Indian Constitution. Therefore, this Court is not inclined to



interfere with the order. Accordingly, this Petition is dismissed granting liberty to the petitioner to work out her remedy after the disposal of the suit.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

NHS

To

1. The District Revenue Officer,
Tiruvallur.
2. The Revenue Divisional Officer,
Ambattur,
Tiruvallur District.

+1cc to Mr.P.Gunaraj, Advocate Sr.57785
+1cc to Mr.P.B.Ramanujam, Advocate Sr.57465
+1cc to the Government Pleader Sr.57714

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