



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.1750 of 2021

M.Karuppaiah

... Petitioner

- Vs -

1.The District Collector,
Pudukkottai,Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai,Public Office Compound,
Pudukkottai District.

3.The Tahsildar,
Thirumayam Taluk,Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to implement the order passed by the second respondent in Ne.Mu.No.7088/2020/m2 dated 05.08.2020 by carry out the necessary amendments in the revenue records on the basis of the petitioner's representation dated 05.12.2020 within the time fixed by this Court.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.C.Ramesh

Special Government Pleader

ORDER

The case of the petitioner is that there were series of encroachments in certain survey numbers which are Government poramboke lands used as a Neernilai Varathu Vaari. In this regard, the petitioner appears to have submitted representation. In response to his representation, action was taken and the second respondent, by his proceedings dated 05.08.2020, cancelled all the land assignments and also directed the third respondent to make changes in the revenue records as well as in the computer entry. Thereafter, the petitioner appears to have sent a representation to the respondents on 09.11.2020 and 05.12.2020 to implement the directions of the second respondent by mutating the revenue records and although the representations have been acknowledged by the officials concerned, no action has been taken so far.

2.In the meanwhile, the petitioner came to know that few persons filed Writ Petitions in W.P.(MD)No.10870 of 2020

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challenging the order passed by the second respondent in favour of the petitioner and this Court has granted an order of interim stay on 28.09.2020. According to the petitioner, the interim stay was not extended and also the petitioner was not made as a party in the Writ Petition. The interim order having not been extended as on date, the third respondent deliberately is delaying to carry out the necessary mutation in the revenue records in implementing the order passed by the second respondent and therefore, the present Writ Petition has been filed seeking direction to the third respondent to implement the second respondent's order dated 05.08.2020 by effecting necessary changes in the revenue records.

3.From the factual narrative as above, it could be seen that already this Court has interfered in the matter and granted interim order of stay. In the face of the interim order passed by this Court in a parallel proceedings there cannot be any further direction by this Court at the instance of the petitioner herein to the official respondents to go ahead with the mutation of revenue records. If such a course of action is adopted by this Court, it would send a wrong signal to the officials concerned, when two writ petitions raising contradictory pleas being entertained by this Court simultaneously for the same cause of action.

4.In any case, though the petitioner was not made as a party in the Writ Petition in W.P.(MD)No.10870 of 2020 and since the interim order granted by this Court whether extended or not, the authority cannot be expected to violate the interim order and take a call in respect of the representation of the petitioner herein. Therefore, it is open to the petitioner to get himself impleaded in the pending Writ Petition and obtain necessary clarification in the said Writ Petition to appreciate the case of the petitioner. However, it is certainly not open to the Writ Petitioner to maintain another Writ Petition as a counter-blast and seek a direction which would run contrary to the interim order of this Court passed in another Writ Petition.

5.Therefore, this Court finds that the Writ Petition is not maintainable and dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

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/ /2021

Sub Assistant Registrar(CS)

SRM



To

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Pudukkottai,
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+1 CC to M/s.GP (SR-3318[F] dated 04/02/2021)

W. P (MD) No. 1750 of 2021
03.02.2021

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