



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10137 of 2021

and

W.M.P(MD) Nos.7862 and 7864 of 2021

V.Vinothpandian

...Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Madurai.

2.The District Revenue Officer,
District Collectorate Campus,
Madurai.

3.The Revenue Divisional Officer,
Officer of the Revenue Divisional Officer,
Collectorate Campus, Madurai.

4.The Tahsildar,
Madurai North,
Collectorate Campus,
Madurai.

5.The Commissioner,
Madurai Corporation,
Madurai District.

6.The Sub Registrar,
Madurai South Registration Office,
Rajakambeeram,
Madurai.

7.M.Sheik Dawood

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining the impugned order of the second respondent in O.MU.No.G2/17538/2021 dated 27.05.2021 and impugned order of the third respondent in Na.Ka.No.1913/2021/C, dated 08.06.2021 and



For Petitioner : Mr.S.Ramasundarvijayaraj
For R-1 to R-4 and R-6 : Mr.M.Lingadurai
Government Advocate (Civil)
For R-5 : Mr.T.S.Mohamed Mohideen,
Standing Counsel

WEB COPY

ORDER

The impugned proceedings of the second respondent, dated 27.05.2021 and of the third respondent, dated 08.06.2021, are put to challenge in the present writ petition.

2.Heard Mr.S.Ramasundaravijayaraj, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 4 and 6 and Mr.T.S.Mohamed Mohideen, learned Standing counsel appearing for the 5th respondent.

3.It is seen from the records that originally an order came to be passed by the third respondent through proceedings, dated 30.12.2020 under Section 145 (1) of Cr.P.C. While passing this order, the third respondent also proceeded to cancel the patta which stood in the names of various persons in the revenue records. This order became a subject matter of challenge before this Court in CRL.R.C.(MD).No.65 of 2021 and this Revision petition was filed by the 7th respondent herein.

4.This Court after considering the entire facts and circumstances interfered with the orders passed by the third respondent and the Criminal Revision Petition was allowed by an order, dated 25.03.2021. The operative Portion of the Order is extracted hereunder:

"7.It is seen that there is a property dispute between the revision petitioner and the third respondent. A perusal of the impugned order reveals that the first respondent has treated the complaint as a complaint under the Patta Pass Book Act and passed a detailed order for cancellation of patta and has decided the title, which cannot be done in a proceeding under Section 145 (1) Cr.P.C. The submissions on the side of the 'A' party and 'B' party as mentioned in the impugned order reveals that there was no imminent danger to peace and tranquility in that locality.

8.In the above circumstances, the impugned order exceeds the power of the first respondent under Section 145 (1) Cr.P.C. Hence, the



impugned order, dated 30.12.2020, made in Moo.Mo.No.7652/2020/C on the file of the first respondent is hereby set aside. Both the parties can settle their issue before the proper Forum in accordance with law."

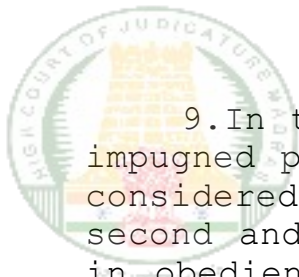
WEB COPY

5.It is clear from the above order that this Court had held that the third respondent had treated the proceedings as if it was conducted under the Patta Pass Book Act and had also cancelled the patta and this Court found that the third respondent had exceeded his power and jurisdiction under Section 145 (1) of Cr.P.C. According to the petitioner, an S.L.P. has been filed against this order before the Honourable Supreme Court and the same is yet to be posted for Admission.

6.Pursuant to the above order, the second and third respondents have passed consequential orders and thereby, have restored the revenue records to its original position as it stood before the order, dated 30.12.2020, was passed by the third respondent.

7.The learned counsel for the petitioner submitted that the proceedings of the second and third respondents are liable to be interfered on the sole ground that no opportunity was given to the petitioner before passing the impugned order. That apart, it was also argued that the 7th respondent has created fraudulent documents and a complaint was made to the District Registrar and an order has also been passed by this Court in W.P.(MD).No.8555 of 2021 directing the District Registrar to conduct the enquiry and pass orders. Therefore, according to the learned counsel for the petitioner, the 7th respondent did not have the *locus standi* to approach the second and third respondents and thereby manipulate the revenue records. The learned counsel for the petitioner also brought to the notice of this Court that a suit was filed by an entity claiming to be the tenant of the 7th respondent in O.S.No.541 of 2020 and the said suit was rejected by the Principal District Munsif, Madurai, by an order, dated 30.03.2021. Therefore, the learned counsel for the petitioner submitted that the 7th respondent has tried all ways and means to create fraudulent documents and to some how grab the property belonging to the petitioner.

8.In the considered view of this Court, the claim made by the 7th respondent over the subject property is not the subject matter in the present writ petition. It has to be independently agitated and it is left open to the petitioner to resort to legal remedies to redress his grievance against the 7th respondent.



9.In the present case, this Court is only concerned about the impugned proceedings of the second and third respondents. In the considered view of this Court, the impugned proceedings of the second and third respondents are only consequential orders passed in obedience to the orders passed by this Court in Crl.R.C.(MD). No.65 of 2021, dated 25.03.2021. In view of the orders passed in the Criminal Revision Petition, the earlier order passed by the third respondent, dated 30.12.2020, automatically ceases to exist and therefore, the patta has to be restored to its original position in the revenue records as it stood before the passing of the order by the third respondent. For carrying out this consequential proceedings, there is no requirement to issue notice to any party since it is the natural consequence of the orders passed by this Court. If and when the order of this Court is interfered or set aside, that may give a fresh cause of action for the petitioner to get the patta restored as per the orders of the third respondent, dated 30.12.2020. Till this event takes place, the proceedings of the second and third respondents will be considered to be perfectly in accordance with law, which does not require the interference of this Court.

10.It is made clear that the order passed by this court in the present writ petition will not have any bearing insofar as the *inter-se* dispute between the petitioner and the 7th respondent and the same has to be agitated independently. This order confines itself to the impugned proceedings of the second and third respondent, which has been found by this Court to be a consequence of the order passed in Crl.R.C.(MD).No.65 of 2021.

11.In the result, this Court does not find any ground to entertain this writ petition and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

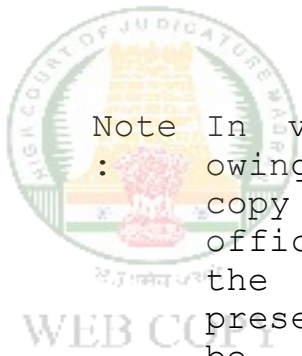
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM



Note In view of the present lock down : owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Office of the Collectorate,
Madurai.
- 2.The District Revenue Officer,
District Collectorate Campus,
Madurai.
- 3.The Revenue Divisional Officer,
Officer of the Revenue Divisional Officer,
Collectorate Campus, Madurai.
- 4.The Tahsildar,
Madurai North,
Collectorate Campus,
Madurai.
- 5.The Sub Registrar,
Madurai South Registration Office,
Rajakambeeram,
Madurai.

+1 CC to MR.S.RAMSUNDARVIJAYRAJ, Advocate (SR-19493[F] dated 17/06/2021)

+1 CC to SPL GP (SR-19555[F] dated 17/06/2021)

**W.P. (MD) .No.10137 of 2021
16.06.2021**

KM(30.06.2021) 5P 8C