BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.07.2021
CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.(MD).No.11708 of 2021
and
W.M.P.(MD)No.9205 of 2021

Durga Devi ... Petitioner

Vs.

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

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

3.K.Bose

4.G.Ramakrishnan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records connected with the impugned order in நி.மு.எண்:18179/2018/G5 dated 10.05.2021 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.Alagumani.R

For Respondents : Mr.R.Sureshkumar,
Govt. Advocate for R1 & R2

ORDER

On consent given by either side, the main Writ Petition has been taken up for final hearing.

2. The grievance of the petitioner is that this Court while entertaining the Writ Petition filed by the third respondent in W.P.(MD).No.12319 of 2019 had specifically directed the second respondent, who kept the proceedings pending without passing any final orders until further orders are passed in the Writ Petition. For proper appreciation, the order passed by this Court on 22.05.2019 is extracted hereunder:-

> "*Admit. Notice to the respondents returnable within a period of four (04) weeks. Private notice is also permitted.*
>
> *2. Learned counsel for the petitioner submitted that the District Revenue Officer has*

earlier passed an order in favour of the petitioner and that the same District Revenue Officer has now issued a notice reopening the case, at the instance of the third respondent. It has to be remembered that the District Revenue Officer is a competent Authority to modify the entry is UDR or in any earlier order, to correct any error while preparing records after UDR.

3.It is seen that the District Revenue Officer has rejected the claim of one Durge Devi, who was relying upon the sale deed by which she purchased the property. According to the District Revenue Officer, the property found in the sale deed of Durga Devi is not with respect to S.No.50/1 but in respect of S.No.50/4A1 as per boundaries.

4.The other reasons given by the District Revenue Officer appears to be erroneous and passed without application of mind. Hence, the contentions raised by the petitioner that the order passed by the District Revenue Officer earlier should be given much weight may not be accepted but taken as an arguable point. However, keeping in mind, the issue raised further enquiry is required in the matter after notice.

5.The above observations made by this Court is based on the first impression this Court had on reading the papers. It is made clear that the submissions of the petitioner will be considered after hearing the other side and also after considering documents and materials to be produced before this Court and it is also made clear that the second respondent need not pass any final orders until further orders."

3. When the above order is in force, the second respondent has gone ahead and passed the impugned order dated 10.05.2021, dismissing the application filed by the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 and 2.

5. In the considered view of this Court, the second respondent ought not to have passed any order until further orders are passed in W.P.(MD).No.12319 of 2019. Unfortunately, the second

respondent has gone ahead and dismissed the application filed by the petitioner only on the ground that this Court had stayed the proceedings of the second respondent. Mere stay of the proceedings by itself does not result in vitiating the proceedings and the proceedings will have to await the final orders to be passed in the Writ Petition. Therefore, the second respondent should have kept the proceedings in abeyance and ought not to have closed the proceedings.

6. In view of the above, the impugned order passed by the second respondent, dated 10.05.2021, is hereby quashed. The second respondent is directed to keep the proceedings in abeyance until final orders are passed in W.P.(MD).No.12319 of 2019.

7. This Writ Petition stands allowed with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021
Sub Assistant Registrar(CS)

tsg

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 District Collector,
Madurai District.

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

+1 CC to M/s.SPL GP (SR-22687[F] dated 15/07/2021)

W.P.(MD).No.11708 of 2021
Dated :14.07.2021

RK (22.07.2021) 3P 4C