



WEB COPY

W.P(MD)No.18774 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2021

CORAM

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

W.P(MD)No.18774 of 2021

and

W.M.P(MD)No.15579 of 2021

Shanmugavel

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani,
Dindigul District.

... Respondent

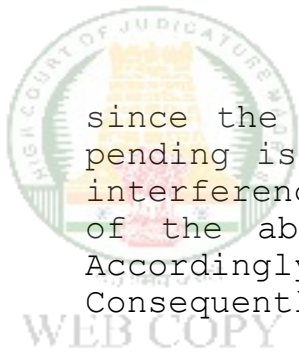
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order of the respondent through his proceedings in Na.Ka.No.4668/2021/A6 dated 06.10.2021 and quash the same.

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.R.Ragavendran
Government Advocate.

ORDER

Challenging the impugned order, the petitioner has approached this Court contending that the patta issued in favour of his vendor is ''Natham'' which cannot be cancelled by the authorities. Hence, the petitioner challenged the impugned order.

2.At the time of arguments, the learned counsel appearing for the petitioner would submit that already as against the respondent, he has filed O.S.No.243 of 2021 before the Subordinate Court, Palani seeking for the relief of declaration, praying the Civil Court to declare his title as against the respondent. The learned counsel has contended that they have no right to interfere with the enjoyment of the property concerned in Patta Nos.589 and 590. The main objection raised by the petitioner is that, it was not assigned by the authorities with conditions and at the time of issuance of Patta to his vendor, the property is classified as ''Natham'', in which, the authorities have no right to cause any interference. But on seeing the statement given by the vendor before the respondent/Tahsildar that she conveyed the property in favour of the petitioner, by way of temporary sale. Therefore, the title with regard to the petitioner is also under dispute. Already, the petitioner approached the civil forum seeking relief to declare his right over the property. It is also an admitted fact that during the pendency of the suit, the authorities passed the impugned order,



since the issue with regard to right over the property is already pending issue before this Court, this Court does not warrants any interference of the impugned order passed by the respondent. In view of the above, I do not find any merit in the Writ petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)/
Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dn

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 Revenue Divisional Officer
Palani,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-32009[F] dated 13/10/2021)

W.P (MD) No.18774 of 2021

and

W.M.P (MD) No.15579 of 2021

12.10.2021

CM (ASO) (CO)/RS (26.10.2021) 2P 3C