



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.21784 of 2021

and

W.M.P (MD) .No.18397 of 2021

K.Periakaruppan

... Petitioner

Vs.

1. The District Revenue Officer,
Madurai District, Madurai.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumanalam,
Madurai District.

3. The Tahsildar,
Kallikudi Taluk,
Kallikudi,
Madurai District.

4. V.Irulappan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of impugned order of the first respondent's proceedings No.Na.Ka.No.G2/27549/2019 dated 09.11.2021 and quash the same as illegal.

For Petitioner : Mr.S.Alagarsamy
For R-1 to R-3 : Mr.D.Ghandiraj,
Special Government Pleader.
For R-4 : Mr.J.Gunaseelan Muthiah

ORDER

Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for respondents 1 to 3 and Mr.J.Gunaseelan Muthiah, learned counsel, takes notice for the fourth respondent.

2. Originally, O.S.No.550 of 2013 had been filed before the District Munsif Court at Thirumangalam by the fourth respondent among other five plaintiffs as against the writ petitioner and five others. The suit was for granting permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment. After trial, the suit was dismissed.



3. Thereafter, the plaintiffs therein filed A.S.No.151 of 2017 before the Sub Court, Thirumangalam and the said First Appeal was also dismissed on 22.03.2019. The plaintiffs thereafter, filed S.A(MD).No.202 of 2019 before this Court, which is pending. While the Second Appeal is pending, the revenue authorities appeared to have carried out various corrections in the patta and finally, the order now impugned had been passed by the District Revenue Officer, Madurai, wherein, he had stated that the name of the fourth respondent may be included in the patta and such inclusion shall abide the disposal of the Second Appeal in S.A(MD).No.202 of 2019.

4. It is stated by the learned counsel for the petitioner that no such order should have been passed but rather any order could have been passed only after the Second Appeal is disposed of. Therefore, even though the order is passed, I would clarify that I am confident that such order will have no bearing either on the issue of title or on the issue of possession and independently, the Second Appeal will have to be argued and the issues on the point of law framed in the Second Appeal should be examined, de hors any of the findings of the revenue authorities.

5. It is seen that the revenue authorities appear to have passed orders this way and that way favouring both the petitioner and the fourth respondent alternatively and therefore, let the Second Appeal be disposed of and thereafter, the parties can approach the revenue authorities. Let the impugned order remain but I am confident that it will not have any bearing on the decision taken in the Second Appeal.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 Revenue Officer,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumanalam, Madurai District.
3. The Tahsildar,
Kallikudi Taluk, Kallikudi,
Madurai District.

+1 CC to M/s.SPL GP (SR-38316[F] dated 13/12/2021)

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-38157[F] dated 10/12/2021)

+1 CC to M/s.S.ALAGARSAMY, Advocate (SR-38148[F] dated 10/12/2021)

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