



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.11415 of 2017

WEB COPY

A.Esther

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Radhapuram - 627 111,
Tirunelveli District.

3.The Zonal Deputy Tahsildar,
Radhapuram Taluk,
Radhapuram - 627 111,
Tirunelveli District.

4.A.Gnanaselvam

5.Parish Priest

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records of the third respondent in Order No.2016/0103/29/040177 TR dated 25th October 2016 wherein 3rd respondent changed pattadhar Name from petitioner's father Arputham Mooppanar to "Punitha Matha Devalayam" for whole 77 cents, in Ares Unit about 31.00, of Punsai Land including 15 cents land being suit property of Civil Litigation now pending in S.A.No.1356 of 2004 before Hon'ble Madurai Bench, in the absence of any order in S.A.No.1356 of 2004 for the said change of Pattadhar Name and to quash the order dated 25th October 2016.

For Petitioner : Mr.P.A.Solomon

For Respondents : Mr.M.Lingadurai,
Government Advocate for R1 to R3
Mr.John Kennedy for R5

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 25.10.2016, wherein the patta has been changed from the name of the father of the petitioner to the name of the fifth respondent.



2. Heard Mr.P.A.Solomon, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3 and Mr.John Kennedy, learned counsel appearing for the fifth respondent.

3. The main grievance that have been expressed by the learned counsel appearing for the petitioner is that the civil proceedings are pending before this Court in S.A.No.1356 of 2004 and during the pendency of this appeal, the third respondent has proceeded to change the name in the patta in favour of the fifth respondent.

4. The learned counsel appearing on behalf of the fifth respondent submitted that the petitioner has lost in the appeal in A.S.No.188 of 2002 before I Additional Sub Court, Tirunelveli and the judgment was in favour of the fifth respondent and therefore, the proceedings of the third respondent does not require any interference.

5. In the considered view of this Court, there is admittedly a Second Appeal pending before this Court and the revenue authorities ought to have waited for the final judgment in the Second Appeal and thereafter, acted in line with the result in the Second Appeal. Instead, the third respondent has proceeded to change the name in the patta in favour of the fifth respondent. The proceedings of the third respondent requires interference of this Court and accordingly, the same is set aside.

6. The patta shall be restored to the original position as it stood before the impugned proceedings of the third respondent. It is made clear that the order passed in this Writ petition will not have any bearing on the rights of the parties and it is left open to them to raise all the issues before this Court at the time of hearing of the Second Appeal.

This Writ Petition is accordingly allowed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Radhapuram - 627 111,
Tirunelveli District.

3.The Zonal Deputy Tahsildar,
Radhapuram Taluk,
Radhapuram - 627 111,
Tirunelveli District.

+1 CC to M/s.FATHER XAVIER ASSOCIAT, Advocate (SR-20384[F] dated 28/06/2021)

+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-20385[F] dated 28/06/2021)

+1 CC to M/s.SPL GP (SR-20457[F] dated 28/06/2021)

W.P. (MD) .No.11415 of 2017
25.06.2021

_AS (07.07.2021) P 7C