



W.P.No.18124 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.18124 of 2013

and

W.M.P.No.1 of 2013

Senniappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruppur.

2.Shantha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition, prohibiting the Respondents herein from conducting the enquiry in Na.Ka.No.3581/2010/A2 on his file till the disposal of suit in O.S.No.377 of 2019 on the file of the Sub-Court, Tiruppur filed by the 2nd Respondent herein.

For Petitioner : Mr.K.Govi Ganesan



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For Respondents : Mr.T.Chezhiyan
Additional Government Pleader (for R1)

Mr.S.Mukunth
for M/s.Sarvabhuman Associates (for R2)

ORDER

The petitioner has filed this writ petition seeking for issuance of Writ of Prohibition, prohibiting the 1st respondent herein from conducting enquiry in Na.Ka.No.3581/2010/A2 on his file till the disposal of the suit in O.S.No.377 of 2019 on the file of the Sub Court, Tiruppur filed by the 2nd respondent herein.

2. The case of the petitioner is that the petitioner is the owner of the property comprised in S.F.No.21/1 measuring to an extent of 6.02 acres situated at Muriyandampalaym Village, Avinashi Taluk, Tiruppur District. However, patta was also issued in favour of the petitioner long back. Subsequently, the 2nd respondent filed the suit in O.S.No.377 of 2009 on the file of the Sub Court, Tiruppur for partition. Thereafter, the said suit is transferred to the file of the Sub Court, Avinashi and re-numbered as



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O.S.No.101 of 2015 and the same is pending for trial. In the meanwhile, the 2nd respondent made an application to the revenue officials for transfer of patta in her favour and the same is pending. Challenging the same, the present writ petition has been filed with the aforesaid prayer.

3. The learned counsel for the petitioner is not disputed the fact of the present case and admittedly, the suit is filed by the 2nd respondent for which the very same property, is pending on the file of the Sub Court, Avinashi. In the meanwhile, the petitioner has approached the revenue officials for mutation of revenue records is not questionable one and the revenue officials have no power to decide the title issue and they have not decided the title issue when the suit is pending before the competent Civil Court.

4. The learned counsel appearing for the 2nd respondent would submit that this Court permit the petitioner and the 2nd respondent to canvass all those points before the Sub Court, Avinashi, in respect of partition of the subject properties.



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5. In view of fair submissions made by the learned counsel for the petitioner and the learned counsel for the 2nd respondent, the official respondent/Revenue Divisional Officer, Tiruppur, is directed not to entertain the application filed by the 2nd respondent till the disposal of the suit in O.S.No.101 of 2015 on the file of the Sub Court, Avinashi. However, liberty is granted to the petitioner and the 2nd respondent to proceed the matter after disposal of the suit.

6. This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

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dm/skt

Speaking Order/ Non Speaking Order

Index : Yes/ No

Internet : Yes/ No



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To

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1. The Revenue Divisional Officer,
Tiruppur.



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M.DHANDAPANI,J.

dm/skt

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