



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3020 of 2020
and WMP.No.3528 of 2020

S.Murugananathan

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Erode District, Erode.

2.The District Revenue officer,
Erode District, Erode.

3.C.Jeyakumar

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari to call for the records relating to the impugned proceedings on the file of the 1st respondent in his proceedings in Na.Ka.5875/2019/A4 dated 24.01.2020 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.E.K.Kumaresan

For RR1 and 2 : Mr.V.Veluchamy
Additional Government Pleader

For R3 : Mr.V.P.Sengottuvel

O R D E R

The petitioner has filed this petition for issuance of Writ of Certiorari Certiorari to call for the records relating to the impugned proceedings on the file of the 1st respondent in his proceedings in Na.Ka.5875/2019/A4 dated 24.01.2020 and quash the same as illegal and without jurisdiction.



2. The case of the petitioner is that an extent of Hec.0.39.0 i.e., Ac.1.00 in S.F.No.597/3 of Mugasipidariyoor Village, Perundurai Taluk, was owned by his father M.S.Sabapathi and out of the above said Ac.1.00, an extent of Ac.0.42 was sold to third parties and the remaining extent of A.0.58 in favour of his mother Saroja and his mother had gifted the said extent of Ac.0.58 in favour of the petitioner by virtue of a registered Settlement Deed and patta has also been issued in his favour. While so, the 3rd respondent herein interfered with his possession and enjoyment as if his mother Chellammal had obtained a decree in I.A.No.345/1994 in O.S.No.421/1991. However the petitioner had filed O.S.No.200 of 2015 before the District Munsif Court, Perundurai, to declare the him as the absolute owner of the aforesaid property and for permanent injunction and the said suit is still pending. During the pendency of aforesaid Suit, the father of the 3rd respondent viz., Chinnasamy, had filed a Suit for Partition in O.S.No.200 of 2015 before the Second Additional District Judge, Erode, against his heirs alone and obtained a decree without impleading the petitioner as a party to the above said. Based upon the said decree in O.S.No.200 of 2015, the said Chinnasamy has gifted the above properties in favour of his son, the 3rd respondent herein, who filed an application before the Zonal Deputy Tahsildar, Perundurai, to include his name in the patta and the same was rejected vide order dated 13.08.2019 and as against the said rejection order, the 3rd respondent has presented an appeal before the 1st respondent, who conducted an enquiry and passed the impugned order dated 24.01.2020, granting patta in the name of the 3rd respondent. Challenging the said impugned order, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that even prior to the filing of the Writ Petition, the petitioner has filed revision petition before the 3rd respondent, however, till date the 2nd respondent has not disposed of the revision petition filed by the petitioner and therefore, it would suffice if this Court issues direction to the 2nd respondent to dispose of the revision petition filed by the petitioner, within a reasonable time as fixed by this Court.

4. The learned counsel appearing for the 3rd respondent has no serious objections for the said order being passed.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.



6. Though the similar claim was pending before the competent Civil Court in O.S.No.200 of 2015, before the District Munsif, Perundurai, and further as against the order of the 1st respondent, which is impugned in this Writ Petition, the petitioner has filed the Revision Petition before the 2nd respondent, the petitioner has challenged the very same impugned order before this Court also and when the issue on hand is pending before the competent civil forums, at the threshold filing the Writ Petition is not sustainable and hence, it is liable to be dismissed.

7. For the reasons aforesaid, this Writ Petition is dismissed. However liberty is granted to the petitioner to work out his remedy in the Suit in O.S.No.200/2015 before the District Munsif, Perundurai and subject to the result of the suit, if the petitioner is successful, the petitioner may file appropriate application before the respondent who shall pass orders in accordance with law. No costs. Consequently connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Revenue Divisional Officer,
Erode District, Erode.

2.The District Revenue officer,
Erode District, Erode.

Copy to

The District Munsif
Perundurai

+1 CC to The Government Pleader sr 23817
+1 CC to Mr.V.P.Sengottuvel, Advocate sr 13995
+1 CC to Mr.E.K.Kumaresan, Advocate sr 23268.

W.P.No.3020 of 2020

SSV(CO)
SP(02/05/2022)