



W.P.No.40962 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.40962 of 2016

And

W.M.P.Nos.34932 of 2016 and 27457 of 2017

N.Poovizhi

... Petitioner

Vs.

1.The District Revenue Officer
Additional District Magistrate,
Ariyalur,
Ariyalur District.

2.The Revenue Divisional Officer,
Udayarpalayam Division,
Udayarpalayam,
Ariyalur District.

3.The Tahsildhar
Udayarpalayam Taluk,
Udayarpalayam,
Ariyalur District.

4.Rajambal

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the orders of the first respondent in Na.Ka.A2/8815/2015 dated 14.10.2016 and quash the same.



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For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader
No Appearance for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records pertaining to the orders of the first respondent in Na.Ka.A2/8815/2015 dated 14.10.2016 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that initially one Karunakaran purchased 1 cent of the property in S.No.240/10B and subsequently, the petitioner purchased 9 cents of the property in S.No.240/10B. Thereafter, the petitioner made application for issuance of patta and the third respondent considering the document, granted patta in favour of the petitioner in respect of the 9 cents and the same was questioned by the fourth respondent before the second respondent.

3.The learned counsel appearing for the petitioner further submitted that the second respondent rejected the petition filed by



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the
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fourth respondent and challenging the same, the fourth respondent filed revision before the first respondent and the first respondent passed the impugned order, which is not sustainable one.

4.Though the fourth respondent has entered appearance through learned counsel, there is no representation for the fourth respondent. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.The facts of the case is not in dispute. Admittedly, the third respondent granted patta in favour of the petitioner in respect of 9 cents of the property in S.No.240/10B, which was questioned by the fourth respondent before the second respondent and the same ended against her. Thereafter, the fourth respondent filed revision before the first respondent and the first respondent set aside the order passed by the third respondent on the ground that the total extent of the property in S.No.240/10B is 18 cents; initially one Karunakaran purchased 1 cent and subsequently, the petitioner purchased 9 cents;



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whereas, the fourth respondent claim that she purchased 10 cents prior to the petitioner's purchase. Since the total extent of the land available is 18 cents and the parties claim is 20 cents, the first respondent set aside the order passed by the second respondent and cancelled the patta issued by the third respondent in favour of the petitioner. In the impugned order, the first respondent has also observed that the aggrieved party can work out the remedy before the civil Court.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 brought to the notice of this Court that the petitioner has filed a suit in O.S.No.82 of 2016 before the District Munsif Court, Jayamkondam and the same was subsequently transferred to other Court on 27.10.2021.

7.In view of the pendency of the civil suit filed by the petitioner, the order impugned in this writ petition cannot be interfered with. Hence, this Court without interfering with the impugned order, directs that the impugned order is subject to the result of the pending civil suit. If the petitioner succeeds in the pending civil suit, she is at liberty to make fresh application before the Revenue Officials for



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mutation of revenue records.

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8.With the above observations, the writ petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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