



W.P. No.2712 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.2712 of 2018
and WMP.No.3356 of 2018

1. K.Silambayee
2. K.Kumar
3. K.Ponnusamy

.. Petitioners

Vs.

- 1 The District Collector
Perambalur District, Perambalur.
- 2 The District Revenue officer,
Perambalur District, Perambalur.
- 3 The Revenue Divisional officer,
Perambalur District, Perambalur.
- 4 The Tahsildar,
Perambalur District, Perambalur.
- 5 S. Padmavathy
- 6 R. Parameswari
- 7 A. Sarojini
- 8 K. Kannabiran

.. Respondents



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Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus calling for the records of the 2nd respondent pertaining to the proceedings in Na.Ka.AA2/10974/2017 dated 18.01.2018 and quash the same and consequently direct the respondents 1 to 4 to delete all the erroneously added names from patta No. 292 including the names of the respondents 5 to 8 in respect of the lands situate in S.F.Nos.225/2A2A and 225/2A2C Perambalur South Village , Perambalur District.

For Petitioner : Mr.P.Valliappan

For Respondents : Mr. Yogesh Kannadasan, SGP RR1 to 4
Mr.K.Vijay Anand RR5 to 7
Mr.C.Prabakaran R8

ORDER

This petition has been filed seeking to quash the order of the 2nd respondent pertaining to the proceedings in Na.Ka.AA2/10974/2017 dated 18.01.2018 and consequently direct the respondents 1 to 4 to delete all the erroneously added names from patta No. 292 including the names of the respondents 5 to 8 in respect of the lands situate in S.F.Nos.225/2A2A and 225/2A2C Perambalur South Village , Perambalur District.



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2. The case of the petitioner is that the petitioners are the absolute owners of the above said properties. Without any title, the respondents inadvertently included the name of the private respondents as joint pattadarars. As against which, the petitioners made a representation to the third respondent and the same was rejected on 23.07.2017. Challenging the said rejection order, the petitioner filed a revision before the second respondent respondent and the said revision also rejected on the ground that there was a civil suit pending between the parties. Challenging the same, the present writ petition has been filed seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the petitioners have filed a suit in O.S.No.360 of 2016 on the file of the District Munsif, Perambalur for declaration and permanent injunction and the private respondent have also filed a suit in O.S.No.14 of 2017 before the Principal District Court, Perambalur and both the suits are pending. Therefore, this Court may issue a direction to the aforesaid Court to pass orders without influencing the impugned order passed by the respondents. The learned counsel seeks liberty that after disposal of the suit, the



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respective succeeding parties to file appropriate application for issuance of fresh patta within the stipulated time as fixed by this Court.

4. The learned counsel for the official respondents have no serious objection for the contention raised by the learned counsel for the petitioners.

5. Heard, the learned counsel for the petitioners as well as the learned counsel appearing for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. There is a dispute with regard to the aforesaid property between the petitioners and the private respondents. When there is a suit pending between the parties with regard to the subject property, the revenue officials have no right to interfere with the disputed property. Therefore, the revenue officials have rightly passed the impugned orders.



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7. Considering the facts and circumstances of the case and the

limited relief sought for by the petitioners, this Court directs the learned Judge to decide the suits on merits and in accordance with law as expeditiously as possible. After disposal of the suit, the succeeding party shall make a fresh application/petition to the concerned respondents along with the decree passed by the trial Court. After receipt of such application, the respondents shall consider the same and pass appropriate orders, after affording opportunity to the necessary parties, on merits and in accordance with law.

8. With the above directions, this Writ Petition is disposed of. No costs. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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M.DHANDAPANI, J.

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To

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