



WEB COPY



W.P.No.25472 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25472 of 2022

And

W.M.P.No.24472 of 2022

V.Perumal

... Petitioner

Vs.

1.The District Revenue Officer,
Dharmapuri Collector Office,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri District – 636 702.

3.The Tashildar,
Dharmapuri Taluk,
Dharmapuri District.

4.C.Annadurai

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records of the first respondent issued in is proceeding No.Pa.Mu.1990/2022/Pa2 dated 29.07.2022 by conforming the order of the second respondent proceeding Ne.Mu.5908/2013/A3(4) dated 10.01.2022 and quash the same.



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For Petitioner : Mr.T.Sella Pandian

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

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the entire records of the first respondent issued in proceedings No.Pa.Mu.1990/2022/Pa2 dated 29.07.2022 confirming the order of the second respondent in proceedings Ne.Mu.5908/2013/A3(4) dated 10.01.2022 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner and the fourth respondent are brothers and they made joint representation for issuance of patta on the basis of the oral partition and the same was granted by the third respondent in the year 1991. Thereafter, the fourth respondent made representation to the second respondent seeking to cancel the patta issued by the third respondent in the year 1991 on the ground that the same has been issued without his signature and the second respondent vide order dated 18.05.2004 directed them to approach the civil Court.



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3.The learned counsel appearing for the petitioner further submitted that thereafter the petitioner filed a suit in O.S.No.235 of 2013 on the file of District Munsif Court, Dharmapuri, for declaration and permanent injunction and the same was dismissed on 18.08.2019. Aggrieved by the same, the petitioner filed A.S.No.19 of 2019 before the Sub – Court, Dharmapuri and the same is pending. After dismissal of the suit filed by the petitioner, the fourth respondent filed a suit in O.S.No.216 of 2021 on the file of District Munsif Court, Dharmapuri.

4.The learned counsel appearing for the petitioner further submitted that since, there is dispute pending inbetween the petitioner and the fourth respondent before the competent civil Court, this Court, without going into the merits of the case, may dispose of this writ petition by granting liberty to the petitioner to canvass all the points before the civil Court where civil suit is pending and issue direction to the District Munsif Court, Dharmapuri, to decide the issue inbetween the petitioner and the fourth respondent, without being influenced by any of the observations made by the Revenue Officials, including the order impugned in this writ petition.



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5.Though notice was served on the fourth respondent, there is no representation for the fourth respondent. However, this Court is not inclined to pass any adverse order as against the fourth respondent.

6.Considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to canvass all the points before the civil Court where civil suit is pending. This Court directs the District Munsif Court, Dharmapuri, to decide the issue inbetween the petitioner and the fourth respondent, without being influenced by any of the observations made by the Revenue Officials, including the order impugned in this writ petition.

7.With the above observations, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.11.2022

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

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To

- 1.The District Revenue Officer,
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Dharmapuri.
- 2.The Revenue Divisional Officer,
Dharmapuri District – 636 702.
- 3.The Tashildar,
Dharmapuri Taluk,
Dharmapuri District.



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M.DHANDAPANI,J.
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