



C.R.P (MD) No.1725 of 2012 and W.P (MD) No.8152 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**C.R.P (MD) No.1725 of 2012
and W.P (MD) No.8152 of 2012
M.P (MD) Nos.1 to 3 of 2012
and 1 and 2 of 2013**

CRP (MD) No.1725 of 2012

P.Alagarsamy

... Petitioner

Vs

1.T.R.Ramakrishnan

2.R.Krishnasamy

3.B.Jothilakshmi

4.R.Shenbagaram

5.M.Vijayalakshmi

6.Shenbagavalli

7.K.Venkaaraman

8.M.Chellammal

9.K.Muthukaruppan

10.M.Udayan

11.P.Menaka

12.J.Jeyalakshmi

... Respondents

1/7



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating with the order dated 19.05.2012 made in Na.Ka.No. 7135/2011/A-1 on the file of the Revenue Divisional Officer, Theni and set aside the same.

For Petitioner : Mr.S.Vellaisamy
For Respondent : Mr.Meenakshi Sundaram
No.1 Senior Counsel for
Mr.N.Dilip Kumar
For Respondent : Mr.C.Susi Kumar
No.3
For Respondent : Mr.R.Suriyanarayanan
No.5
For Respondent : No appearance
Nos.2,4,10 and 12
For Respondent : Unserved
Nos.6 to 9 and 11

W.P (MD) No.8152 of 2012

- 1.M.Vijayalakshmi
- 2.B.Jothilakshmi
- 3.R.Shenbagaram
- 4.Shenbagavalli
- 5.K.Venkataraman
- 6.M.Udayan
- 7.P.Menaka
- 8.J.Jeyalakshmi
- 9.R.Krishnasamy



C.R.P (MD) No.1725 of 2012 and W.P (MD) No.8152 of 2012

Vs

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Theni District.
- 3.The Tahsildar,
Theni.
- 4.T.R.Ramakrishnan

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating with the order passed by the second respondent in Na.Ka.No.7135 of 2011/A-1, dated 19.05.2012 and quash the same as it is illegal.

For Petitioners	:Mr.R.Suriyanaranayan
For Respondent	:Mr.G.V.Vairam Santhosh,
Nos.1 to 3	Additional Government Pleader
For Respondent	: Mr.Meenakshi Sundaram
No.4	Senior Counsel for
	Mr.N.Dilip Kumar

COMMON ORDER

These petitions are filed as against the order of the Revenue Divisional Officer, Theni dated 19.05.2012.



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2.The learned Counsel for the writ petitioner submits that this petitioner is the 5th respondent in the civil revision petition. She purchased the property from one Subramanian on 16.09.201983 by way of a registered sale deed and based on the sale deed she also obtained patta on 27.04.1998. By referring the registered exchange deed dated 01.07.1998, the 4th respondent in the writ petition and the first respondent in the civil revision petition has filed an application before the Tahsildar, Theni to cancel the patta issued in favour of the writ petitioner and the revision petitioners, in the year 1998. The Thasildar, Theni dismissed the application by giving liberty to the parties to work out their remedy before the competent civil court. As against the order passed by the Tahsildar, Theni, the first respondent in the civil revision petition has filed an appeal before the Revenue Divisional Officer, Theni, who by referring the registered rectified deed dated 1988, cancelled the patta, granted in favour of the revision petitioners and the writ petitioner. Aggrieved over the same, the present petitions are filed.



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3. When these applications are taken up for hearing, the learned Counsel on either side submits that on the subject property, the suit in O.S.No.134 of 2011 is also filed by the first respondent in the civil revision petition, before the Sub Court, Theni and the same is pending.

4. Since the first respondent has already invoked the civil jurisdiction and it is also pending from the year 2011, these petitions are disposed of with liberty to the petitioners to workout their remedy in the pending suit in O.S.No.134 of 2011 and this Court is not inclined to pass any orders on the orders passed by the Revenue Divisional Officer, Theni.

5. It is further brought to the notice that this Court in CRP(MD)No.369 of 2018 has by order dated 16.06.2022 directed the trial Court to dispose of the suit within a period of six months. Considering that the suit is of the year 2011, the trial Court shall dispose of the suit as directed in CRP(MD)No.369 of 2018. No costs.



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Consequently, connected miscellaneous petitions stand closed.

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01.08.2022

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To

- 1.The District Collector,
Theni District.
- 2.The Revenue Divisional Officer,
Theni District.
- 3.The Tahsildar,
Theni.



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B.PUGALENDHI, J.

dsk

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