



W.P(MD)No.12176 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12176 of 2012

and

M.P(MD)No.1 of 2012

Arokia Manuvel Rajan

... Petitioner

Vs.

1.The District Revenue Officer,
Radhapuram,
Valliyur,
Tirunelveli.

2.The Revenue Divisional Officer,
Radhapuram,
Valliyur,
Tirunelveli.

3.Sundar

4.S.L.Bright

5.Saraswathi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed in (B2) See.Ma.No. 14/2011 dated 07-02-2012 (Revision Petition No.) and quash the same as

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illegal and further directing the Respondent to pass an order of holding over of the enquiry under the Patta Pass Book Act in terms of section 14 of Tamil Nadu Patta Pass Book Act, 1983 and Rule 4(4) of Tamil Nadu Patta Pass Book Rules, 1987.

For Petitioner : Mr.Mari Chelliah Prabhu
for M/s.Eddy and Embboss
For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1 and R2
Mr.H.Arumugam
for R3
Mr.G.Prabhu Rajadurai
for R4
Mr.T.Lajapathi Roy
for R5

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein. He has set aside the order passed by the second respondent and remitted the matter back to the second respondent.

2. The main ground on which the order of remand has been passed is that the second respondent has failed to consider the validity of a sale deed registered at Parasala in Kerala State. According to the learned counsel for the petitioner, the validity of a document can never be



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considered by a revenue authority and the same has to be considered only by a competent Civil Court. Hence, he prayed that the first respondent herein ought not to have remitted the matter back to the second respondent.

3. I am in full concurrence with the said submissions. Two civil suits are pending between the parties before the District Munsif Court, Valliyoor with regard to the same property. Hence, the impugned order, under which the first respondent had remitted the matter back to the second respondent is hereby set aside. The parties are at liberty to raise all their plea and defence before the concerned Civil Court, in which the civil suits are pending.

4. With the above said observations, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.12176 of 2012

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