



W.P(MD)No.12498 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12498 of 2013

S.Azhakesan

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

4.The Village Administrative Officer,
Kaliyal Village,
Kanyakumari District.

5.The Village administrative Officer,
Kothanallur Village,
Mekkamandapam,
Kanyakumari District.

6.The Village Administrative Officer,
Veeyanoor Village,
Kanyakumari District.



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7.R.Ganesan

8.Alex

9.Alban

10.Balammal

11.Nadarajan

12.Marianesam

13.Ganesan

14.Kumar

15.Mariapushpam

16.Lawrence

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents herein not to transfer or issue patta in respect of the properties comprised in New Sy.Nos.931/1 to 7 and Sy.Nos.1009/2,5,6,8,9,10 &11 of Kaliyal Village to an extent of 30 Acres and in respect of properties comprised in Old Sy.Nos. 3194,335,336, and New Sy.No.461/7A to an extent of 9 cents and New Sy.Nos.498/14A, B to an extent of 1 Acre 17 cents and New Sy No. 433/17 to an extent of 20 cents and New Sy.No.498/6 to and extent fo 12 1/2 cents of the Kothanallur village and Veeyanoor village in favour of respondents 7 to 16 or to anybody on the basis of the petitioner's representations dated 10.6.2013.



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For Petitioner : Mr.B.Brijesh Kishore
For R1 - R6 : Mr.S.Shanmugavel
Additional Government Pleader
For R7 : M/s.J.Anandhavalli
For R8 - R16 : No Appearance

ORDER

The present writ petition has been filed seeking a writ of mandamus as against the respondents 2 and 3 from effecting any mutation of revenue records in favour of respondents 7 to 16 or any body on the basis of his representation, dated 10.06.2013.

2. According to the petitioner, his father Selvanayagam has filed S.A.No.945 of 2003 in relation to the properties mentioned in the writ prayer. The said second appeal arises out of final decree proceedings in a partition suit. This Court has granted an order of interim stay in C.M.P(MD)No.8616 of 2003 on 27.06.2003. According to the learned counsel for the petitioner, any mutation of revenue records pending second appeal would seriously affect his rights.



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3. Per contra, the learned counsel appearing for the seventh respondent has contended that already patta has been transferred in the name of the seventh respondent. The learned counsel appearing for the official respondents has also contended that patta has been transferred in the name of some of the private respondents.

4. The revenue authorities should always await for the orders of the Civil Court. In the present case, admittedly, a second appeal is pending before this Court from the year 2003. As on today, patta has been mutated in the name of the certain private respondents and the same shall not be disturbed. After a disposal of the second appeal, either the petitioner or the private respondents are at liberty to approach the concerned revenue authorities for mutation of revenue records based upon the order passed in the second appeal.

5. With the above said observations, this Writ Petition is disposed of. No costs.

03.08.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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