



W.P(MD)No.7605 of 2011

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.7605 of 2011

and

M.P(MD)Nos.1 and 2 of 2011

Arokia Manuvel Rajan

... Petitioner

Vs.

1.The Zonal Deputy Tahsildar,
Radhapuram,
Velliyur,
Tirunelveli.

2.Sundar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuance of the Proceedings in respect of Reg:6 No.R2011/1459 dated 22.02.2011 on the file of first respondent and quash the same as illegal.

For Petitioner : Mr.S.Meenakshi Sundaram
Senior Counsel
for Mr.R.Manimaran



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For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1
Mr.H.Arumugam
for R2

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the patta was granted in favour of the second respondent.

2. The petitioner is challenging the patta granted in favour of the second respondent on the ground that the second respondent has no title, whatsoever to the disputed property. It is brought to my notice that O.S.No.22 of 2011 is pending on the file of the District Munsif Court, valliur, where the second respondent is the plaintiff and the writ petitioner is the defendant. The said suit has been filed with a prayer of declaration of title, permanent injunction and recovery of possession of a portion of the property. Apart from that, a prayer has also been sought for declaration that a sale deed, dated 13.01.2006 registered before Valliyur



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Sub Registrar office is null and void. Since a civil suit is pending between the parties to the writ petition with regard to the same disputed property, the order passed by the Tahsildar is set aside and the parties are directed to settle their dispute in O.S.No.22 of 2011.

3. O.S.Nos.22 and 36 of 2011 are pending before the District Munsif Court, Valliyur for the past eleven (11) years. This has resulted in various disputes before the revenue authorities and filing of writ petitions before this Court. I find that it is appropriate to direct the District Munsif Court, Valliyur to tag the suits together and decide the same on or before 31.12.2022. This disposal shall be reported to the registry. Since the Civil Court has been directed to dispose of the suits, the revenue authorities shall not entertain any application for mutation of revenue records, pending suit. However, depending upon the result of the suits, the successful parties can approach the revenue authorities for mutation of revenue authorities as per the Civil Court decree.



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4. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.07.2022

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Index : Yes / No

Internet : Yes / No

To

The Zonal Deputy Tahsildar,
Radhapuram,
Velliyur,
Tirunelveli.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.7605 of 2011

Dated:
06.07.2022