



W.P.(MD)No.13807 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13807 of 2020

and

W.M.P(MD)Nos.13864, 11458 & 11460 of 2020

N.Packiyalakshmi

... Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Collectorate Buildings,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi Revenue Division,
Sivakasi,
Virudhunagar District.

3.S.M.A.Muthuvel

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to the impugned order in Na.Ka.A1/5008/2019 dated 14.09.2020 and quash the same as arbitrary illegal and violative of principles of natural justice and consequently, directing the respondents to drop all further proceedings pertainign to the impguned order.



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For Petitioner : Mr.R.Aravindan
For R1 & R2 : Mr.K.Balasubramani
Special Government Pleader
For R3 : Mr.M.Ajmalkhan
Senior Counsel
for Mr.K.Sudalaiyandi

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for R1 & R2 and the learned Senior Counsel appearing for R3.

2. The writ petitioner's father late Narayanasamy Naicker during his life time obtained an order of assignment way back in November 1998. He executed the deeds of settlement in favour of the writ petitioner and her sister Sanjeevilakshmi. The writ petitioner and her sister have civil dispute with the third respondent. In fact, she had filed an injunction suit against the third respondent and it is still pending. In the mean while, the petitioner and the third respondent approached the Revenue Divisional Officer in January 2019 and obtained Corrections in the FMB. This appears to have been done without notice to the third respondent. The third respondent probably taking a cue from the writ petitioner's conduct and approached the second respondent and got an



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order behind the back of the writ petitioner on 19.12.2019. This was challenged by the writ petitioner in W.P.(MD)No.2300 of 2020. Vide order dated 06.02.2020, the writ petition was allowed and the matter was remitted to the file of the Revenue Divisional Officer, Sivakasi. The Revenue Divisional Officer, Sivakasi issued notice to the writ petitioner, her sister and the third respondent. In the enquiry, the writ petitioner did not appear. Her sister alone appeared through counsel. After considering the materials on record, the second respondent passed the impugned order dated 14.09.2020 restoring the position that prevailed prior to January 2019. The writ petitioner was also given liberty to approach the jurisdictional Tahsildar to make a petition.

3. In my view, the impugned order does not in any way affect the civil rights of the writ petitioner. However, it is challenged on quite a few grounds. One of the main grounds taken by the writ petitioner is that when the civil court is seized of the matter, the revenue authority cannot proceed to adjudicate. I do not find any substance in the contention.

4. As rightly pointed out by the learned counsel appearing for the third respondent, the writ petitioner did not file any suit for declaration. A mere injunction suit has been filed. That apart, when this Court vide order dated 06.02.2020 in W.P.(MD)No.2300 of 2020 had remitted the matter to the file of



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the second respondent, the second respondent cannot decline to go into the issue. In any event, the second respondent had only restored the position that originally obtained. He had not altered the status quo in any manner. More than anything else, the petitioner has been given liberty to knock the doors of the jurisdictional Tahsildar. The learned counsel for the petitioner states that some doubts have been cast on the assignment order issued in the name of the writ petitioner's father. I make it clear that the order of assignment cannot be disturbed at this point of time.

5. With these observations, the writ petition is dismissed. I make it clear that the rights of the respective parties are left entirely open. The jurisdictional civil court will decide the issue entirely uninfluenced by the outcome of the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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