



W.A.(MD)No.724 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.724 of 2022
and
C.M.P.(MD)No.6102 of 2022

Akilandeswari

... Appellant

Vs.

1.Deivamani

2.The District Revenue Officer,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Devakottai, Sivagangai.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order, dated 16.06.2022 passed by this Court in W.P.(MD)No. 4671 of 2014.

For Appellant :Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

For R2 and R3 :Mr.S.P.Maharajan,
Special Government Pleader



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Challenging the order passed by the learned Single Judge of this Court, dated 16.06.2022 in W.P.(MD)No.4671 of 2014, the above Writ Appeal is filed.

2.Heard Ms.H.Jasima Yasmin, learned Counsel for the appellant and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of respondents 2 and 3. By consent of both parties, this Writ Appeal is taken up for final disposal at the stage of admission itself.

3.The appellant is the third respondent in W.P.(MD)No.4671 of 2014 filed by the first respondent herein to quash the order passed by the second respondent herein, dated 18.10.2013 confirming the order passed by the third respondent, dated 30.04.2013.

4.The appellant executed a settlement deed in favour of the first respondent herein on 31.08.2007. It is admitted that based upon the said settlement deed, patta was mutated in the name of the first respondent/Writ Petitioner on 04.01.2008. Five years later, the appellant unilaterally cancelled the settlement deed on 08.10.2012. Immediately,



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thereafter, the first respondent/Writ Petitioner filed a civil suit in O.S.No. 211 of 2012 on the file of the District Munsif Court, Karaikudi. It is also stated that the Trial Court has granted an order of interim injunction in favour of the Writ Petitioner and that the said order was made absolute on 30.04.2021.

5.It is the case of the first respondent/Writ Petitioner in the Writ Petition that while the interim injunction is in force, the appellant had approached the second respondent herein for restoration of revenue records in her favour based on the unilateral cancellation deed. The third respondent in this appeal, the Revenue Divisional Officer passed an order directing restoration of revenue records in favour of the appellant. The said order was challenged by the Writ Petitioner before the District Revenue Officer. The District Revenue Officer confirmed the order passed by the Revenue Divisional Officer.

6.When the order of the District Revenue Officer challenged by the first respondent/Writ Petitioner in the Writ Petition, the Writ Court after noting the nature of dispute between the appellant and the first respondent, set aside the order of the District Revenue Officer as well as the Revenue Divisional Officer and directed the authorities to restore the patta in favour of the first respondent/Writ Petitioner. The learned Single



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Judge further observed that the restoration of patta in favour of the Writ Petitioner cannot be used against the appellant herein in the Civil Proceedings. Therefore, the order of the learned Single Judge is one preserving the rights of the parties during the pendency of the civil proceedings.

7.This Court is unable to find any serious injury to the appellant. It is always open to the appellant to approach the revenue authorities for mutation in case the suit filed by the first respondent/Writ Petitioner in O.S.No.211 of 2012 is dismissed. Having regard to the peculiar circumstances of the case, this Court is unable to find any merits in this appeal. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
19.07.2022

Index : Yes / No

cmr

To

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