



W.P.(MD)No.17631 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17631 of 2021
and
W.M.P(MD)No.14511 of 2021

Sivakumar

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

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

3.The Tahsildar,
Thirupathur Taluk,
Thirupathur,
Sivagangai District.

4.The Commissioner,
Thiruppathur Town Municipality,
Thiruppathur,
Sivagangai District.

5.M.Arasarathinam

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 3 to 4 from effecting the name change in the revenue documents and municipal documents, namely, patta and property tax standing in the name of the petitioner in respect of the property comprised in Survey No.372/34 Thiruppathur Town, Thiruppathur, Sivagangai District to the name of the fifth respondent not otherwise than due process of law thereby, direct them to conduct enquiry in the light of the petitioner's objections based on petitioner's representation, dated 13.07.2021 submitted in person as well as through post pending on the file of the respondents 3 to 4 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.4

Mr.S.Parthasarathy for R.5

ORDER

Heard the learned counsel on either side.

2. The petitioner wants this Court to forbear the official respondents from effecting changes in the patta as well as the property tax register in respect of the petition mentioned property. It is seen that the fifth respondent / Arasarathinam filed O.S.No. 69 of 1998 on the file of the Sub Court, Sivagangai seeking the relief of declaration of title and recovery of possession



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in respect of the petition mentioned property. The writ petitioner herein, namely, Sivakumar was shown as the first defendant in the said suit. Though the suit was originally dismissed, it was reversed in A.S.No.89 of 2001 on the file of Additional District Court, Sivagangai on 11.06.2022. The writ petitioner and the second defendant filed S.A.No.1499 of 2002 before this Court. The Second Appeal was dismissed on 16.12.2019. SLP filed by the writ petitioner before the Hon'ble Supreme Court also ended in dismissal. Thus, as on date, the fifth respondent is possessed of decree for declaration of title and recovery of possession in his favour. It is too well settled that the revenue record as well as the property tax register should be in consonance with the civil Courts decree.

3. In these circumstances, an application has been submitted by the fifth respondent for effecting mutation. The authorities will of course, have to act in accordance with law. The question of hearing the writ petitioner who had lost the civil proceedings does not arise at all. The official respondents have to discharge the statutory function while considering the application of the fifth respondent. It is too well settled that no Court can restrain a statutory authority from discharging their statutory functions. I do not find any merit in this writ petition.



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4. This writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
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Sivagangai District.
- 3.The Tahsildar,
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G.R.SWAMINATHAN, J.

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