



W.P(MD)No.16998 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16998 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Muruganantham

... Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur,
Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

3.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

4.Selvarani

... 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 pertaining to the impugned order passed by the first respondent



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in Tha.Pa.21/2015 dated 17.08.2015 by confirming the order passed by the second respondent in his proceeding Tha.Pa.392/2012/A5 dated 12.09.2014 and quash the same.

For Petitioner : Mr.G.Karnan

For R1 - R3 : Mr.A.Baskaran
Additional Government Pleader

For R4 : Mr.D.Senthil

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which he has confirmed the order passed by the second respondent, wherein the patta standing in the name of the writ petitioner's father was transferred in the name of the fourth respondent herein.

2. According to the petitioner, his father is the owner of the property and originally patta was granted in the name of his father. However, at the instance of the fourth respondent, the said patta was cancelled by the second respondent herein. Challenging the said order,



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the petitioner had filed a revision before the first respondent herein. The first respondent had confirmed the order passed by the second respondent on the ground that with regard to the same survey number, between the same parties, O.S.No.133 of 2014 is pending on the file of the District Munsif cum Judicial Magistrare Court, Orathanadu.

3. A narration of the above said facts will clearly indicate that there is a serious title dispute between the writ petitioner and the fourth respondent herein and the first respondent has correctly refrained himself from passing any orders on merits while the civil suit is pending.

4. In view of the above said facts, this Court passes the following order:

(i) The learned District Munsif cum Judicial Magistrate, Orathanadu is directed to dispose of O.S.No.133 of 2014 on or before 30.03.2023.

(ii) The learned District Munsif is directed to dispose of the suit on merits, without being influenced



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by the orders passed by the revenue authorities.

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(iii) After the disposal of the suit, depending upon the result of the suit, the parties are at liberty to approach the revenue authorities for transfer of patta.

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

20.10.2022

Index : Yes / No
Internet : Yes / No
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To

1. The District Revenue Officer,
Thanjavur,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

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3. The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

4. The District Munsif cum Judicial Magistrate,
Orathanadu,
Thanjavur District.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.16998 of 2015

Dated:
20.10.2022