



W.P.(MD)No.7010 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7010 of 2017

and

W.M.P.(MD)No.5532 of 2017

Mohamed Buhari

... Petitioner

Vs.

1.The Sub Collector cum Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Karambakkudi Taluk,
Pudukkottai District.

3.Fakurdeen

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, to prohibit the first respondent from holding any enquiry / appeal proceeding pursuant to his proceeding in Na.Ka.No.A4/572/2017, dated 22.03.2017 in the light of Rule 4(4) of Tamil Nadu Patta Passbook Rules, 1987 and the decision of this Court in Sabesan Chettiyar Vs. the District Revenue Officer, 2011 2 CWC 337.



W.P.(MD)No.7010 of 2017

For Petitioner : M/s.Sunitha
for M/s.Ajmal Associates
For R1 & R2 : Mr.M.Prakash
Additional Government Pleader
For R3 : Mr.M.Maheswaran

ORDER

Heard the learned counsel on either side.

2. The petitioner's name was included in the revenue record. He was made as joint pattadhar along with the third respondent and others. Questioning the same, the third respondent filed an appeal before the first respondent. Contending that the jurisdictional civil Court is seized of the matter, the present writ petition was filed.

3. When the matter was taken up for hearing on the last occasion, the learned counsel appearing for the third respondent submitted that O.S.No.116 of 2012 filed by the petitioner along with two others before the Additional Sub Court, Pudukkottai was dismissed on 02.07.2020. It is not known as to whether the petitioner has filed any appeal before the first appellate Court.



W.P.(MD)No.7010 of 2017

WEB COPY

4. In these circumstances, I am of the view that the first respondent can no longer be restrained from holding any enquiry or passing any final order. The Writ of Prohibition can be issued only if it is shown that the first respondent has no jurisdiction to proceed in the matter. Since the civil suit filed by the petitioner has been dismissed and there is nothing on record to show that an appeal has been filed, leaving open the rights of the respective parties, the writ petition stands dismissed. No costs. I make it clear that the rights of the parties will abide by the outcome of the civil proceedings that may be initiated by either of the parties. Consequently, connected miscellaneous petition is closed.

24.06.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Sub Collector cum Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Karambakkudi Taluk,
Pudukkottai District.



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W.P.(MD)No.7010 of 2017

G.R.SWAMINATHAN,J.

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