



W.P(MD)No.9357 of 2017

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 18.07.2022

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.9357 of 2017  
and  
W.M.P.(MD)Nos.7130 and 7131 of 2017

M.Lakshmipathirajan

... Petitioner

**Vs.**

1.The District Collector,  
Madurai District,  
Madurai Collectorate,  
Madurai – 625 020.

2.The District Revenue Officer,  
Madurai District,  
Madurai Collectorate,  
Madurai – 625 020.

3.The Revenue Divisional Officer,  
Madurai Collectorate,  
Madurai – 625 020.

4.The Tahsildar,  
Madurai South,  
Madurai Collectorate,  
Madurai – 625 020.

5.Dhanam

6.Kavitha

... Respondents



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**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 relating to the impugned order of the 4<sup>th</sup> respondent in Register 6 No.3634/2011 – Transaction Id:2011/03497 which is illegal, void and ultra vires and to quash the same.

For Petitioner : Mr.N.Murugesaan

For Respondents : Mr.K.Balasubramani,  
Spl. Government Pleader for R1 to R4.  
Mr.Karthick Raja,  
For M/s.Ajmal Associates for R5 & R6.

### **ORDER**

Heard the learned counsel on either side.

2.The patta in respect of the petition mentioned property stood in the name of the writ petitioner originally. The petitioner alleges that without notice to him, mutation was effected in favour of the respondents 5 and 6. Questioning the mutation, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Special Government Pleader for the respondents 1 to 4 as well as the learned counsel for the respondents 5 and 6 while conceding that the mutation was done



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without notice pointed out that it was done in consonance with a civil court's decree. It is seen that the private respondents herein filed O.S.No.49 of 2009 on the file of the District Munsif Court, Madurai Taluk against the writ petitioner and others. An ex-parte decree came to be passed on 21.02.2011. It was set aside on 27.08.2013. Thereafter once again decree was passed in their favour. Aggrieved by the same, the petitioner filed appeal suit and it is still pending. The fact remains as on date the respondents 5 and 6 are having declarative decree in their favour. In the very nature of things, the revenue record must reflect the declaration decree granted by the jurisdictional civil Court. It is true that the petitioner has filed a civil appeal. The rights of the parties as well as entry in the revenue records will have to abide by the outcome of the appeal. Till the petitioner obtains a decree in his favour, there is no scope for interference.

4.With this clarification, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**18.07.2022**

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

ias

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