



C.R.P PD(MD)No.2525 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.R.P(MD)No.2525 of 2022 and
CMP(MD) No.12398 of 2022

K.Mokkaraj

... Petitioner

Vs

1.Soundharya

2.Rasu

3.Mayilammal

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike down the plaint in O.S.No.159 of 2022, on the file of the District Munsif cum Judicial Magistrate No.I, Usilampatti, Madurai District.

For Petitioner

: Mr.C.T.Perumal

ORDER

The petitioner is the first defendant in the suit in O.S.No. 159 of 2022 and he filed this Civil Revision Petition to strike down the plaint, which is pending on the file of the District Munsif cum Judicial



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2.The learned counsel for the petitioner submits that the suit in O.S.No.159 of 2022 was filed by the respondent herein as against the petitioner and two others, before the District Munsif cum Judicial Magistrate Court No.I, Usilampatti for the relief of declaration. According to the petitioner, the property in R.S.No.517/6A admeasuring 0.20.0 Ares, R.S.No.517/7 admeasuring 0.02.2 Ares and R.S.No.517/8 admeasuring 0.11.5 Ares of Thottappanaickanur Village,Usilampatti Taluk, Madurai belonged to the petitioner's father, namely, P.Karuppannan and after his demise, the properties devolved on the petitioner as he is the legal heir. Subsequently, patta with regard to R.S.No.517/6A and 517/7 has been transferred in the name of the respondents herein and patta with regard to R.S.No.517/8 has been transferred in the name of the first respondent. Hence, the petitioner filed W.P(MD) No.4613 of 2022, before this Court to issue a direction to the concerned authority to cancel the patta and transfer the same in



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the petitioner's name. This Court, by order dated 16.03.2022 directed the authorities to cancel the patta stands in the name of the third parties and transfer the same in favour of the petitioner. Since no action has been taken, the petitioner filed Contempt Petition No.1108 of 2022. Subsequent to the filing of the contempt petition by this petitioner, the Revenue Divisional Officer, Usilampatti, after conducting a detailed enquiry passed an order in Pa,Mu.No.1577/2022/A3, dated 17.08.2022, cancelling the patta in the name of the respondents herein, with regard to R.S.No.517/6A of Thottappanaickanur Village, Usilampatti Taluk, admeasuring 0.20.1 Ares. The grievance of the petitioner is that without availing the revision jurisdiction before the District Revenue Officer, under Section 14 of the Patta Pass Book Act, the respondent/plaintiff filed the above suit and therefore it is not maintainable. Hence, this petition.

3.Heard the learned counsel for the petitioner and also perused the materials placed on record.



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4.As per provision to Section 14, if any person is aggrieved as to any right of which he is in possession, by an entry made in the patta pass book under this Act, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his rights under Chapter VI of the Specific Relief Act, 1963 and the entry in the patta pass book shall be amended in accordance with any such declaration.

5.In view of the above, this Court is not inclined to entertain this Civil Revision Petition. Accordingly, this Civil Revision Petition is dismissed. Liberty is given to this petitioner to raise all these points before the trial Court. No costs. Consequently, connected Miscellaneous Petition is closed.

20.12.2022

Index : Yes / No.

Internet : Yes / No.

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To
The District Munsif cum Judicial Magistrate No.I, Usilampatti,
Madurai District.



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B.PUGALENDHI, J.

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