



WEB COPY

W.P. No.30092 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30092 of 2023

and

W.M.P. No.29715 of 2023

Saikannan

... Petitioner

Vs.

1. The District Revenue Officer
Dharmapuri District

2. The Revenue Divisional Officer
Dharmapuri District

3. The Tahsildar
Karimangalam Taluk
Dharmapuri District

4. Vaiyapurishankar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Certiorari to call for the records in Ni.Mu.10788/2022/Pa.2 dated 02.01.2023 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.V.R.Annagandhi

For Respondents : Mr.R.P.Murugan Raja
Government Advocate for R1 to R3



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ORDER

This Writ Petition is filed for a Writ of Certiorari to call for the records in Ni.Mu.10788/2022/Pa.2 dated 02.01.2023 on the file of the 1st respondent and quash the same.

2. The contention of the petitioner is that he made a representation to the 2nd respondent seeking for cancellation of patta in respect of 34 cents in S.F./No.74 and for issuance of separate patta in his name. During enquiry, the 4th respondent projected untouchability against the petitioner and his family members and made a complaint that the fence erected by the petitioner is a “untouchability fence”. The petitioner agreed to leave 3 feet pathway for the 4th respondent to reach his property in the petitioner's patta land and the 2nd respondent passed the order on 28.04.2022 directing the parties to use the 3 feet pathway given by the petitioner. On coming to know of the misdeeds of the petitioner's paternal uncle Venkatachalam and the claim of the 4th respondent on that basis, the petitioner filed a suit in O.S.No.181 of 2022 on the file of the District Munsif Court, Palacode, for declaration and injunction to establish his title, right and interest in the property. Pending the same, the



4th respondent file a revision before the 1st respondent and the 1st respondent, based on the partition deed, made certain observation that the petitioner should not restrain the 4th respondent from using the cart track path way. Hence, challenging the said order, now the petitioner has filed the present writ petition for quashing the same.

3. Since the petitioner has already filed a suit for declaration and the same is pending, the petitioner is at liberty to work out his remedy before the Civil Court. Since the 1st respondent has passed the order pending Civil Suit, that findings will not affect the decisions of the Civil Court.

4. With the above observations, the writ petition is disposed of at the admission stage itself. Consequently, connected Miscellaneous petition is closed. However, there shall be no order as to costs.

17.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The District Revenue Officer
Dharmapuri District
2. The Revenue Divisional Officer
Dharmapuri District
3. The Tahsildar
Karimangalam Taluk
Dharmapuri District



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P.VELMURUGAN. J.

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