



W.P(MD)No.71 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.71 of 2023

and

W.M.P.(MD)Nos.85 & 86 of 2023

1.Chinnaponnammal

2.Vadivel

3.Senthilkumar

4.Vijaya

5.Mokkayee

6.Marimuthu @ Chandrasekar

7.Ellammal

... Petitioners

Vs.

1.The District Collector,
Office of the District Collectorate,
Trichy, Trichy District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy.

3.A.Parthasarathy

4.A.Navaneethakrishnan

... 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 Mandamus, to forbear the second respondent from proceeding with the enquiry in Na.Ka.(A7)/3261-2020 pending disposal of the civil Suit in O.S.No.99 of 2021 and O.S.No.100 of 2021 on the file of the II and IIIrd Additional District Munsif Court, Trichy respectively.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 & R2

: Mr.H.Arumugam for R3 & R4

ORDER

Heard the learned counsel on either side.

2. The private respondents herein have submitted an application before the second respondent for mutation of revenue record. The second respondent had issued notice to all the interested parties. At this stage, the present writ petition has been filed for forbearing the second respondent from proceeding with the enquiry till the disposal of the petition mentioned suits. The petition mentioned suits have not been filed for declaration of title as such. They have been instituted to secure declaration that the partition decree obtained by the private respondents is not binding on the petitioners herein. Such a suit will not fall within the scope of Rule 4(4) of Tamil Nadu Patta Pass Book Rules.



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3. The learned counsel appearing for the private respondents herein categorically states that they have no claim on the property actually purchased by the petitioners under the original sale deeds. It appears to be an issue of correlation. The second respondent can very well resolve this issue after proper enquiry with reference to the correlation register. If the outcome is unfavorable to the petitioners, they have effective statutory remedies. They can move the District Revenue Officer. They can file a civil suit. If circumstances permit, they can even invoke writ jurisdiction of this Court. When the petitioners are having host of judicial remedies, it is not necessary to restrain the second respondent from proceeding in the matter at this stage.

4. Leaving open all the contentions of the writ petitioners, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.02.2023

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



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To

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