



**W.P(MD)No.13390 of 2010**

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

**DATED: 16.10.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.13390 of 2010 and**  
**MP(MD) No.2 of 2010**

1.Nalini Kumari  
2.P.Devadoss  
3.M.S.P.Thamburaj  
4.Jeyaraj  
5.Mallika Jeyaraj

... Petitioners

**Vs**

1.Laila Banu  
2.Ahamed Yameen @ Aadhil Ahamed Yameen  
3.Mohammed Mubeen @ Rabeek Mohammed Mubeen  
4.The Thasildar  
Palayamkottai Taluk,  
Kokkirakulam,  
Tirunelveli – 627 009.

5.The Revenue Divisional Officer,  
Kokkirakulam,  
Tirunelveli – 627 009.

6.The District Revenue Officer,  
Tirunelveli – 627 009.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings



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passed by the sixth respondent in Na.Ka.No.Aa2/See.Ma.No.14/2007, dated 30.08.2010 based on the orders of the fifth respondent in Na.Ka.No.A3/Me.Mu.3/2006 dated 26.11.2007 and of the fourth respondent in RTR.3034, 3035, 3038/05-06, dated 21.03.2006 and quash the same and directing the fourth respondent to grant patta in favour of the petitioners.

|                 |                       |
|-----------------|-----------------------|
| For Petitioners | : Mr.S.Chandrasekaran |
| For R1 to R3    | : Mr.D.Nallathambi    |
| For R4 to R6    | : Mr.M.Ramesh         |
|                 | Government Advocate   |

### **ORDER**

This writ petition is filed as against the order passed by the District Revenue Officer under Patta Pass Book proceedings.

2. The petitioners with a grievance that patta has been wrongly transferred in the name of the respondents 1 to 3 in Patta No.1300, by order dated 21.03.2006 has preferred an appeal before the Revenue Divisional officer, Tirunelveli. The Revenue Divisional Officer has dismissed the appeal by his order dated 26.11.2007 and as against which, the petitioners have preferred a revision petition



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before the District Revenue Officer, Tirunelveli. Considering the civil proceedings pending between the parties, the District Revenue Officer, by his order dated 30.08.2010 has directed the parties to work out their remedy subject to the outcome of the civil proceedings. As against that order, this writ petition was filed in the year 2010.

3.Today(16.10.2023), when this writ petition is taken up for hearing, the learned counsel on either side submits that with regard to the dispute over the subject property, the respondents 1 to 3 have filed a suit in O.S.No.321 of 2006 before the Principal District Munsif Court, Tirunelveli and the same was decreed in their favour. Challenging the Judgment and decree passed in O.S.No.321 of 2006, the second petitioner herein has preferred an appeal in A.S.No.13 of 2010 and other petitioners have preferred an appeal in A.S.No.23 of 2010 before the Principal Subordinate Judge, Tirunelveli and the same was partly allowed. Challenging the same, the respondents 1 to 3 have preferred second appeal SA(MD) No.



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737 of 2010. Similarly, this petitioners have also filed a second appeal as against the findings of the first appellate Court for setting aside the decree made in favour of these petitioners as null and void in SA(MD) No. 882 of 2010. The learned counsel further submits that both the second appeals are still pending.

4. In view of the rival submissions made and also the fact that the second appeals preferred by both the parties are still pending before this Court, this writ petition is disposed of with a liberty to the petitioners and the respondents 1 to 3 to work out their remedy in the respective second appeals. Till such time, there shall not be any mutation of revenue records or alienation of property, pursuant to the patta which has been granted in favour of the respondents 1 to 3. No costs. Consequently, connected Miscellaneous Petition is closed.

**16.10.2023**

NCC: Yes/No  
Index: Yes/No  
Internet: Yes  
vrn



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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.13390 of 2010 and**  
**MP(MD) No.2 of 2010**

**16.10.2023**