



W.P(MD)No.724 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.724 of 2022
and WMP(MD)No.571 of 2022

Meenakshi

... Petitioner

Vs

1. The District Revenue Officer,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam, Madurai District.
3. The Tahsildar,
Kalligudi Taluk, Madurai District.
4. Rajalakshmi

... 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 calling for the records pertaining to impugned order passed by the second respondent in his proceedings in Ne.Mu.E.241/2021, dated 20.09.2021 and quash the same as illegal and unconstitutional.



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For Petitioner : Mr.S.Prabhu
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader
For R4 : Mr.J.Bharathan

ORDER

The Writ petition has been filed in the nature of Certiorarified mandamus seeking interference with the order of the second respondent/Revenue Divisional Officers in proceeding No.Ne.Mu.E. 241.2021, dated 20.09.2021.

2.The issue between the petitioner and the fourth respondent is with regard to grant to Patta.

3.Let me not delve deeply into the merits of the case, since there are already two suits, one in O.S. No.123 of 2020 pending before the First Additional District Court, Madurai and the other in O.S. No 197 of 2020, pending before the Principal District Munsif, Thirumangalam. Additionally, against the order of the second respondent, a revision had also been filed and is pending before the first respondent/District Revenue Officer.



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4.The grievance of the learned counsel for the petitioner is with respect to the remarks made in the order impugned, wherein, an opinion had been expressed that the patta transfer is wrong. I am confident that both the suits would be examined, only on the basis of the pleadings and evidence adduced before the concerned Courts and not on the basis of the findings given by the Revenue Authorities.

5.Section 3 of Indian Evidence Act makes it clear that the Court should examine the facts only on the basis of materials available on record. The observations made by the second respondent may be ignored by both the learned trial Judges.

6.Additionally, in the revision petition filed before the first respondent, the first respondent may independently examine the records.

7. The parties are directed to go back before the respective forums, where the matters are still pending.



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8. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

09.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The District Revenue Officer,
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Revenue Divisional Office,
Thirumangalam, Madurai District.
3. The Tahsildar,
Kalligudi Taluk, Madurai District.



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C.V.KARTHIKEYAN, J.

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ORDER IN
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