



W.P(MD)No.2488 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2488 of 2023

and

W.M.P.(MD)Nos.2268, 2269 and 2270 of 2023

Jayashree N Patel

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai District, Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.

3.Ramakodi

... 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 orders in Ni.Mu.No.36341/2015/G5 dated 28.11.2018 passed by the 1st Respondent and in T.R.No.2023/24/12/001323SD dated 21.01.2023 passed by the 2nd Respondent and set aside both as illegal and consequently direct the 1st Respondent to pass orders on merits by providing an opportunity for the petitioner to make her submissions.



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For Petitioner : Mr.Sricharan Rangarajan, Senior Counsel,
For Mr.M.Dinesh Hari Sundarsan

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 & R2.

ORDER

Heard the learned senior counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2.

2.The petitioner questions the impugned proceedings dated 28.11.2018 passed by the first respondent in favour of the third respondent. I am not in a position to consider the petitioner's contentions on merits for the simple reason that the petitioner's father had already filed O.S.No.63 of 2020 on the file of the District Munsif Court, Madurai Taluk. It is true that during the pendency of the said civil proceedings, the second respondent had effected mutation in the revenue record. The second respondent had not only entered the name of the third respondent in Patta No.404 but also restored the name of Chidambaram Servai from whom the petitioner's father purchased the property. It is also pointed out that mutation includes Survey No.66/5B. Even though no dispute has been raised regarding that, it is open to the petitioner to get herself



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impleaded in the pending civil suit. If any such application is filed, it shall be allowed straightaway even without notice to the defendants. This is because the petitioner is not claiming any larger right than the plaintiff in the suit. The petitioner's father had conveyed the suit scheduled property in favour of the writ petitioner only through a sale deed. Therefore, the petitioner can very well implead herself as a co-plaintiff in the said suit. The learned senior counsel for the petitioner states that the third respondent is attempting to alienate the property and that would seriously prejudice the petitioner's rights. If there is any such apprehension, the petitioner can very well file an interlocutory application in the pending suit to protect her rights and if any such interlocutory application is filed, the same will be numbered forthwith and disposed of on merits and in accordance with law within a period of three weeks thereafter. It is stated that in the face of pendency of the civil proceedings, the third respondent has already lodged a criminal case against the petitioner. Taking note of the special facts and circumstances of the case, I direct the learned District Munsif, Madurai Taluk to dispose of O.S.No.63 of 2020 on merits and in accordance with law within a period of twelve months from the date of receipt of a copy of this order. I make it clear that all the contentions of the writ petitioner are left open. The Registry is directed to mark a copy of this order to the learned District Munsif Court, Madurai Taluk.



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3. With this liberty to the petitioner to move the jurisdictional Civil Court and direction to the jurisdictional Civil Court to dispose of interlocutory application as well as the suit within the time limit set out above, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1. The District Revenue Officer,
Madurai District, Madurai.

2. The Tahsildar,
Madurai South Taluk,
Madurai.

Copy to:-

The District Munsif Court,
Madurai Taluk.



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G.R.SWAMINATHAN, J.

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