



WP(MD)No.4457 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.4457 of 2020

and

W.M.P.(MD)No.3752 & 3753 of 2020

Arulmigu Mutharamman Thirukoil, Peyankuzhi,
Peyankuzhy Post,
Kalkulam Taluk,
Kanya Kumari District,
Rep. By its President,
P.Gopalan.

...Petitioner

/Vs./

1.The District Revenue Officer,
Collectorate Campus,
Nagercoil, Kanyakumari District.

2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kalkulam Taluk, Kanyakumari District.

3.The Tahsildar, Kalkulam Taluk,
Thuckalay, Kanyakumari District.

4.Pathrose (Died)

5.Joseph Babin

6.Starlin Sobi

7.Darwin Jose

...Respondents

(R5 to R7 are impleaded vide Court order dated 25.04.2023 in WMP(MD)No.
8447 of 2023.)



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PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 1st respondent in his impugned proceedings in Na.Ka.No.M4/18515/2017 dated 30.12.2019 and the 2nd respondent impugned proceedings in Na.Ka.Aa3/1603/2015 dated 28.02.2017 and quash the same.

For Petitioner : Mr.S.Seenivasan

For Respondents : Mr.A.K.Manikkam (R1 to R3)

Special Government Pleader

Mr.R.Russel Raj (R5 to R7)

ORDER

This writ petition has been filed challenging the orders passed by the first respondent through proceedings dated 30.12.2019 and the proceedings of the second respondent dated 28.02.2017.

2. When the matter was taken up for hearing, it is brought to the notice of this Court that a suit in O.S.No.143 of 2005 filed by the fourth respondent is pending on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel. The fourth respondent has sought for the relief of partition and separate possession of 1/6th share in the schedule property. The fourth respondent died during the pendency of the proceedings and his legal heirs are continuing to prosecute the case. It is further brought to the notice of this Court that the suit is now at the stage of final hearing and it is posted on 13.10.2023.



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3. The final decision to be rendered in the suit will have bearing in the orders passed by the revenue authorities. When this writ petition was entertained, this Court had granted an order of interim stay of the operation of the order passed by the revenue authorities. This interim order shall continue till the disposal of the civil suit in O.S.No.143 of 2005. Subject to the final result in the suit, the parties can workout their remedies and the effect of the order passed by the revenue authorities can be determined.

4. This writ petition is disposed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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TO:-

- 1.The District Revenue Officer,
Collectorate Campus,
Nagercoil, Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalay,
Kalkulam Taluk, Kanyakumari District.
- 3.The Tahsildar, Kalkulam Taluk,
Thuckalay, Kanyakumari District.

Order made in
W.P.(MD)No.4457 of 2020

Dated:
10.10.2023