



W.P.(MD).No.12153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12153 of 2023

and

W.M.P(MD)No.10399 of 2023

T.Devarajan

... Petitioner

Vs.

1.The Sub Collector,
O/o. the Sub Collector Office,
Thoothukudi.

2.The District Registrar,
Thoothukudi District,
Thoothukudi.

3.The Tahsildar,
Thoothukudi Taluk Office,
Thoothukudi.

4.The Joint No.I Sub Registrar,
Thoothukudi Town,
Thoothukudi District.

5.Nickson



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6. The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

.... Respondents

(Sixth respondent is suo motu impleaded as per
order of this Court, dated 18.05.2023)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in நி.மு.(அ1)/15/ 2023 dated 11.04.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.P.Subbaraj - for R1 to R4 & R6
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorari, to call for the records pertaining to the impugned order passed by the first respondent in நி.மு.(அ1)/15/ 2023 dated 11.04.2023 and quash the same as illegal and arbitrary.



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2. The operative portion of the impugned order would show that the first respondent has restrained the registration as well as mutation of patta with respect to subject property till disposal of the civil Suit in O.S.No.229 of 2019 which is pending before the Subordinate Court, Thoothukudi. As against the same, the writ petitioner has preferred an appeal before the District Revenue Officer, Thoothukudi, and hence, the learned counsel for the petitioner sought for an order of interim stay of the operation of the impugned order.

3. Per contra, the learned Government Advocate appearing for the respondents 1 to 4 submitted that appeal will be disposed of within a period of four weeks and hence, it is not necessary to interfere with the impugned order. The petitioner had also not impleaded the contesting party as a respondent.

4. In view of the fact that the District Revenue Officer, Thoothukudi, Thoothukudi District, who is the competent authority, is *suo motu* impleaded as the sixth respondent in this writ petition. Registry to carry out necessary amendment before issuing the order copy.



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5. Heard the learned counsel on either side and perused the available materials on record.

6. Under such circumstances, this Court, without going into the merits of the case, directs the sixth respondent to consider and dispose of the petitioner's appeal preferred as against the impugned order on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. Till then there shall be an order of status quo.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

18.05.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
RM



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To
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L.VICTORIA GOWRI, J.

RM

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