



W.P(MD)No.19511 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19511 of 2021

and

W.M.P(MD)No.16212 of 2021

M/s.K U Thermal Power Private Limited,
Having registered office at
8-2-277/a/3/1,2,3,1st Floor,
Kingston heights,
Road No.2,Banjara Hills, Hyderabad – 500 034
Represented by its
Authorized Signatory,
K.Suresh
S/o.K.Pitchesawara rao

... Petitioner

Vs

- 1.The District Revenue Officer,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
- 4.Liyakath Alikhan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order dated 20.09.2021 on the file of the first respondent in Na.Ka.No.T6-14329-2020 confirming the order in Pa.Mu.A2/2178/2020 dated 27.05.2020 on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.3

Mr.S.Saravanan for R.4

ORDER

Heard the learned counsel on either side.

2. It is beyond dispute that the property originally belonged to the fourth respondent. The case of the petitioner is that the fourth respondent sold the same in favour of three persons, namely, Soundarajan, Velsamy and Soundarapandian and that revenue record was changed in their names. From them, the petitioner purchased the property vide three sale deeds and thereafter effected mutation in his favour. The case of the fourth respondent is that he never sold the property in favour of any person and that the transactions on which the petitioner is placing reliance are vitiated by the vice of impersonation. The fourth respondent filed a petition before the Revenue Divisional Officer. The Revenue Divisional Officer issued notice to the



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petitioner. The petitioner's case is that notice was sent to some other address and as a result the petitioner could not appear before the Revenue Divisional Officer.

3.Be that as it may, by the impugned order dated 27.05.2020, the Revenue Divisional Officer had set aside the mutation made in favour of the writ petitioner and directed restoration of patta in favour of the fourth respondent. The Revenue Divisional Officer accepted the version projected by the fourth respondent in *toto*. Aggrieved by the same, the petitioner filed revision before the District Revenue Officer, Thoothukudi. The District Revenue Officer, Thoothukudi vide order dated 20.09.2021 confirmed the order of the Revenue Divisional Officer. Challenging the same, the present writ petition has been filed.

4.The learned counsel appearing for the writ petitioner as well as the learned counsel appearing for the fourth respondent projected the stand set out in their respective pleadings. Certain developments had parallely taken place. The fourth respondent rightly filed O.S.No.214 of 2016 before Additional District Munsif Court, Thoothukudi. Vide judgment and decree dated 10.06.2020, the learned trial Judge decreed the suit in *toto*. The sale deeds on which the petitioner is placing reliance were declared as null and void. It was



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specifically held that the fourth respondent never executed the said documents.

Challenging the same, the petitioner has filed A.S.No.14 of 2020 on the file of Subordinate Court, Thoothukudi. In the said appeal, the petitioner could not get any interim order. The matter is posted for final hearing. Since the jurisdictional civil Court had sustained the claim of the fourth respondent, the question of this Court interfering with the impugned orders passed by the revenue authorities does not arise at all. I make it clear that the rights of the parties will abide by the outcome of the civil proceedings.

5. With this observation and clarification, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

1. The District Revenue Officer, Thoothukudi District.
2. The Revenue Divisional Officer, Kovilpatti, Thoothukudi District.
3. The Tahsildar, Ottapidaram Taluk, Thoothukudi District.



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G.R.SWAMINATHAN, J.

MGA

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