



WP (MD) No.11443 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP (MD) No.11443 of 2014
and
MP (MD) NOS.1 and 2 of 2014**

C.Sudalaimuthu ... Petitioner
Vs

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli,
Tirunelveli District.

2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.

3.D.A.Jeyaseeli Jebastiyan ... Respondents

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 in pursuance of the 1st respondent's impugned proceedings in A3/2906/2012 dated 02.04.2014 and quash the same as devoid of merits.

For petitioner : Mr.T.Dhandapani
For Respondent : Mr.J.K.Jeyaseelan,
Nos.1 and 2 Government Advocate
For Respondent : Mr.S.Kadarkarai
No.3



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ORDER

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The petitioner has filed this writ petition as against the order of the Revenue Divisional Officer granting patta in favour of the 3rd respondent.

2.The grievance of the petitioner is that the petitioner has already filed two suits in OS.No.160 of 2009 and OS.No.528 of 2011 as against the 3rd respondent before the I Additional District Munsif Court, Tirunelveli. Therefore, the Tahsildar has rightly rejected the request that the suit is pending. However the RDO without considering the pendency of the suits has gone into the issue and granted patta in favour of the 3rd respondent.

3.The learned Counsel for the 3rd respondent submits that the petitioner is having a remedy of revision before the DRO, however, the petitioner without exhausting the same, has approached this Court under Article 226 of the Constitution of India.



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4. On verification it is informed that the suit in OS.No.160 of 2009 filed by this petitioner as against one Kasthuri and four others was dismissed on 18.02.2013 by the I Additional District Munsif Court, Tirunelveli. Challenging the said dismissal order, the petitioner has filed an appeal suit in AS.No.40 of 2013 before the Sub Court, Tirunelveli. The appeal was allowed by remanding the matter for fresh consideration. In the meantime, this petitioner has filed another suit as against the 3rd respondent in OS.No.528 of 2011 before the same Court. Both suits are tried jointly and it is at the stage of arguments.

5. Considering that the civil suits are pending at the stage of arguments between the parties, this writ petition is disposed of with liberty to the petitioner to work out his remedy in the suits in OS.Nos.160 of 2009 and 528 of 2011 pending on the file of the I Additional District Munsif Court, Tirunelveli. Since the suits are pending for a long time, this Court directs the learned I Additional District Munsif, Tirunelveli to dispose of the above suits



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within a period of six weeks from the date of receipt of a copy of this order. Till such time, the impugned order shall be kept in abeyance. No costs. Consequently connected miscellaneous petitions are closed.

30.03.2023

dsk

To

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tirunelveli,
Tirunelveli District.
- 2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.



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B.PUGALENDHI, J.

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