



W.P(MD)No.12831 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.12831 of 2014 and
M.P(MD) No. 2 of 2014

1.Vedanayagammal
2.M.Sesunasan

...Petitioners

Vs

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Thasildar,
Devakottai,
Sivagangai District.

3.L.Michael

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent herein in his proceedings dated 18.07.2014 in Pa.Mu.Pi4/16686/2013 and quash the same and consequently direct the respondents 1 and 2 herein to cancel the patta in the name of the second petitioner herein and to issue patta in the name of the first petitioner.



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For Petitioners : Mr.M.Muthugeethayan
For R1 & R2 : Mr.J.K.Jayaseelan
Government Advocate
For R3 : Mr.R.Shanmuganathan

ORDER

This writ petition is filed challenging the order passed by the District Revenue Officer, Sivagangai in Pa.Mu.Pi4/16686/2013, dated 18.07.2014, directing the Tahsildar, Devakottai to cancel the patta granted in favour of the second petitioner herein and to grant patta in favour of the third respondent herein.

2.The learned counsel appearing for the petitioners submits that as against the provisions under Patta Pass Book Rules, the District Revenue Officer has taken a decision with regard to the right and possession of the property by the parties, when the civil suits are pending between the parties in O.S.No.367 of 2015 and O.S.No.56 of 2015, before the Principal District Munsif Court, Devakottai. According to the learned counsel, subsequent to the orders passed by the District Revenue Officer, these civil suits have been filed by the third respondent. He further submits that the



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possession of the property by the petitioners has also been admitted by the third respondent in his pleadings in amendment petition in I.A.No.2 of 2019.

3.The learned counsel appearing for the third respondent submits that it is a mistake committed during UDR and necessary application has been filed before the District Revenue Officer and the District Revenue Officer/the competent authority under the statute has passed this order considering the materials placed before him. He claims that the third respondent has filed a suit for the relief of declaration and permanent injunction before the District Munsif Court, Devakottai in O.S.No.367 of 2015 and also filed another suit in O.S.No.56 of 2015, not to alter and alienate the physical features of the suit property pending disposal of the suit.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5. Admittedly, the dispute involved in this writ petition is purely civil in nature and the issue is now pending before the competent civil Court in O.S.No.367 of 2015 and in O.S.No.56 of 2015 before the District Munsif Court, Devakottai. The learned counsel on either side submits that they are ready to co-operate for early disposal of the civil suits. However, it appears that in view of the interim order granted in CRP(MD) Nos. 1363 and 1364 of 2018, the suits could not be proceeded further.

6. Considering the facts that this writ petition is pending from the year 2014, with regard to the issue in this writ petition, civil suits instituted by the third respondent herein in O.S.No.367 of 2015 and in O.S.No.56 of 2015 are pending before the District Munsif Court, Devakottai from the year 2015 and even after completion of pleadings in view of the interim order granted in the Civil Revision Petitions in CRP(MD) Nos.1363 & 1364 of 2018, the suits are not proceeded, this Court is inclined to dispose of this writ petition with the following directions:



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- i. The petitioners as wells as the third respondent are directed to co-operate for an early disposal of CRP(MD) Nos.1363 & 1364 of 2018 and the suits in O.S.No.367 of 2015 and O.S.No.56 of 2015.
- ii. Till the disposal of the Civil Revision Petitions and the civil Suits, the parties are expected to maintain *status quo*.
- iii. The trial Court is expected to take a decision in the civil suits, without any influence of the observations, if any, made by the District Revenue Officer in his order dated 18.07.2014.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions is closed.

02.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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B.PUGALENDHI, J.

VIN

Order made in
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