



WP(MD)No.19101 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.19101 of 2023 and
WMP(MD) Nos.15845 & 15848 of 2023

Maria Thangam

... Petitioner

Vs

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

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

4.Jeyasingh

... 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 on the files of the first respondents pertaining to its



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proceeding bearing Na.Ka.No.M4/31273/2019, dated 30.09.2022 and to quash the same and consequently direct the respondents to restore the name of the petitioner in Patta No.14139 and to quash the same.

For Petitioner : Mr.SC.Herold Singh
For R1 to R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The grievance of the petitioner is that inspite of pendency of a civil litigation between the petitioner and the fourth respondent, a decision has been taken by the District Revenue Officer, Kanyakumari District.

2.The learned counsel appearing for the petitioner by referring the order of this Court in WP(MD) No.21314 of 2017 submits that as per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, the revenue officials are not the competent authority to decide the issue with regard to the title of the property pending civil litigation between the parties. According to the learned counsel, the fourth respondent has



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filed a civil suit before the District Munsif Court in OS No.215 of 2008 and the same was decreed in favour of him. However, an appeal has been filed before the Sub Court, Kulithurai in AS No.8 of 2019 and the same is pending, when the order impugned in this writ petition has been passed by the District Revenue Officer. The learned counsel requests this Court to issue a direction to the first Appellate Court to dispose of the appeal suit within a stipulated time.

3.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 submits that the District Revenue Officer has passed the order based on the materials placed before him.

4.Heard the learned counsel on either side. Since no adverse order is going to be passed as against the fourth respondent, notice to the fourth respondent is dispensed with.



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5.The District Revenue Officer appears to have taken a decision, based on a civil court decree, which has been obtained by the fourth respondent herein. Though this petitioner has preferred an appeal before the Sub Court, Kulithurai as against the Judgment and decree passed in O.S.No.215 of 2008, he has not obtained any interim order of stay from the first Appellate Court. Therefore, this Court is not inclined to entertain this writ petition. At the same time, considering the request of the petitioner's counsel, a direction is hereby issued to the Sub Court, Kulithurai to dispose of the appeal suit in AS No.8 of 2019 as expeditiously as possible, preferably within a period of five months from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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B.PUGALENDHI, J.

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