



W.P(MD)No.15324 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15324 of 2014
and
M.P.(MD)No.1 of 2014

Pothumani Salai

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Thiruchuli,
Virudhunagar District.

4.Muthumanickam

5.Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records of Ne.Mu/P2/11198/2012 dated 14.08.2014 passed by the
1st Respondent and quash the same.

For Petitioner : No appearance

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3.
Mr.V.Perumal for R4 & R5.

ORDER

The learned counsel who filed this writ petition has withdrawn his appearance. The matter was listed on 03.07.2023. The case was directed to be posted today ie., 04.07.2023 by printing the name of the writ petitioner. The learned Additional Government Pleader for the official respondents suggested that this Court could issue notice to the writ petitioner. I am of the view that it is not necessary. It was the petitioner who engaged the counsel and filed this writ petition. The learned counsel for the petitioner put the petitioner on notice before withdrawing his appearance. Therefore, the petitioner ought to have made alternative arrangements. It is not necessary for this Court to invite the petitioner to



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come to this Court. I, therefore proceed to dispose of the matter on merits after going through materials on record.

2.The property in question is comprised in S.No.21/1 in Veliyathapuram Village, Thiruchuli Taluk, Virudhunagar District. It measures an extent of 4 acres and 20 cents. Karuppaiah the father of the respondents 4 and 5 purchased the property from Thangavelu Pillai vide sale deed dated 17.10.1973. The patta was also changed in his favour. Whiles, during UDR, the name of the petitioner got incorporated. As per UDR, the petitioner was entitled to 91 cents of land in the very same survey number. Contending that the mistake had been committed during UDR, the private respondents herein moved District Revenue Officer, Virudhunagar District. The District Revenue Officer heard the petitioner before passing final order. The case of petitioner was that his father Chellaiah has purchased the property vide sale deed dated 12.01.1959. The private respondents demonstrated before the District Revenue Officer that the sale deed dated 12.01.1959 does not contain any survey number and it does not correlate to the petition mentioned property. The case of the respondents 4 and 5 was accepted by the District Revenue



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Officer and the impugned order came to be passed against the petitioner.

Challenging the same, this writ petition has been filed.

3.It is pointed out by the learned counsel for the respondents 4 and 5 that even before passing of the impugned order by the District Revenue Officer, the petitioner had filed O.S.No.314 of 2007 later re-numbered as O.S.No.15 of 2021 on the file of District Munsif Cum Judicial Magistrate, Thiruchuli seeking the relief of permanent injunction against the respondents 4 and 5 herein. The suit was contested. The document relied on by the petitioner before the District Revenue Officer was marked by the contesting respondents herein as Ex.B11 in the suit. After a detailed consideration of the materials on record, the Trial Munsif had dismissed the suit filed by the petitioner on 17.06.2022. It is stated that questioning the same, the petitioner filed A.S.No.29 of 2022 before Sub Court, Aruppukkottai. It is still pending and no interim order has been granted therein. Since the petitioner had already moved the jurisdictional civil Court and the first appellate Court is now seized of the matter, the question of interfering with the impugned order does not arise. The rights of the parties will abide by the outcome of the civil proceedings.



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4. With this observation, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Revenue Officer,
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Virudhunagar.
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Aruppukkottai,
Virudhunagar District.
3. The Tahsildar,
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G.R.SWAMINATHAN, J.

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