



W.P(MD)No.19256 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.03.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.19256 of 2014 and
MP(MD) No.2 of 2014

A.Solamalai

Petitioner

Vs.

**1.The District Revenue Officer,
Madurai.**

**2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.**

**3.The Tahsildar,
Thirumangalam,
Madurai.**

4.Tmt.S.Supriya

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the first respondent herein in his proceedings in Na.Ka.No.70974/2010/G2, dated 19.11.2014, confirming the order of the second respondent



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herein in his proceedings in Na.Ka.No.1468/2010/A3, dated 16.07.2010 and quash the same as illegal and further direct the respondents 1 to 3 herein to restore the patta related new Survey Nos.85/8 and 89/9 Thirumangalam Taluk, Madurai District, within the time stipulated by this Court.

For Petitioner	:Mr.D.Nallathambi
For R1 to R3	:Mr.G.V.Vairam Santhosh Additional Government Pleader
For R4	:Mr.S.Natesa Raja

ORDER

This writ petition is filed as against the order passed by the District Revenue Officer, Madurai, dated 19.11.2014, wherein, the revision petition preferred by the petitioner as against the orders of the Revenue Divisional Officer, Madurai cancelling the patta granted in his favour, by order dated 16.07.2010 was challenged.

2.The learned counsel appearing for the petitioner submits that the property in Survey No.85/8 to an extent of 5 acres and 11 cents, Kurayur Village, Kallikudi Subdivision, Tirumangalam Taluk, Madurai District belongs to one Karuppiah Thevar S/o Maruthappa Thevar. He along with his two sons executed a power



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deed in favour of one Leela Krishnan on 09.05.2007 and thereafter cancelled the same on 12.06.2008. After the cancellation of the power deed, the said Leelakrishnan has executed a sale deed in favour of the fourth respondent on 24.07.2008. Without knowing the same, this petitioner has purchased the property from Karuppiah and others by a registered sale deed dated 13.08.2008 on the basis of the cancellation of Power deed, dated 12.06.2008. Thereafter, the Tahsildar has also directed for transfer of patta from Karuppiah to the petitioner's name, which was challenged by the fourth respondent before the Revenue Divisional Officer and the same was allowed on 16.07.2010. Consequently, the patta issued by the Tahsildar in favour of the petitioner was cancelled. As against that order, the petitioner has preferred the revision before the District Revenue Officer and the District Revenue Officer has dismissed the revision and confirmed the order of the Revenue Divisional Officer. Aggrieved over the same, the present writ petition is filed.



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3.The learned counsel appearing for the petitioner has pointed out that Mr.Leelakrishan, the power agent of the petitioner's vendor has also filed a suit in O.S.No.3 of 2011, before the District Munsif Court, Tirumangalam, to declare the cancellation of power of attorney dated 12.06.2008 as null and void. However, the same was dismissed by the learned District Munsif by his judgment and decree dated 31.07.2019. The plaintiff, namely Leelakrishnan has not preferred any appeal and the Judgment and decree passed by the Munsif Court has become final. Therefore, the order passed by the District Revenue Officer has to be necessarily set aside that this petitioner is having a valid title through the registered sale deed, which, he has obtained from the original owner on 13.08.2008.

4.The learned counsel appearing for the fourth respondent submits that apart from the suit which has been referred by the petitioner, the fourth respondent has also filed a separate suit in O.S.No.192 of 2017 as against this petitioner before the Sub Court, Tirumangalam for the relief of declaration and injunction.



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Therefore, this Court is not expected to interfere with the orders of the District Revenue Officer.

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

6.Admittedly, there is a civil dispute pending between the parties with regard to the title of the subject property in the suit in O.S.No.192 of 2017 on the file of the Sub Court, Tirumangalam. The above suit was also posted for arguments on 27.03.2023.

7.In view of the above, this writ petition is disposed of with a liberty to the petitioner to work out their remedy before the Civil court in O.S.No.192 of 2017. Since the suit is in the stage of arguments, there shall be a direction to the trial Court to conclude the same within a period of three months from the date of receipt of a copy of this order. The petitioner and the respondent are at liberty to approach the Revenue authorities based on the outcome of the



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civil suit. Till such time, the orders of the revenue authorities in granting / cancelling patta is kept under abeyance. No costs.

Consequently, connected Miscellaneous Petition is closed.

21.03.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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