



WP(MD)No.21340 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.21340 of 2014
and
MP(MD)Nos.1 of 2014, 1 of 2015

1.Chellam

2.Jeyameena

3.Parthasarathy

4.Alagurajan

5.Ravichandran

6.Karthikeswari

7.Nirmaladevi

Rep. by her Guardian, Chellam / first petitioner

.. Petitioners

[P.1 to P.7 are substituted vide order dated 01.06.2023]

v.

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



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

3.The Tahsildar,
Melur,
Madurai District.

4.Shanthi

5.Muthu Palaniappan

6.Muthuramalingam

7.Muthuvenkatachalapathy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings dated 28.11.2014 of the first respondent in Na.Ka.No.51336/2011/G2, quash the same and consequently, directing the first respondent to pass appropriate orders relegating the parties to work out their remedy before the civil Court.



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For Petitioners : Mr.V.R.Shanmuganathan

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1 to R.3

Mr.D.Venkatesh for R.4

No appearance for R.5 to R.7

ORDER

This writ petition is filed as against the orders of the District Revenue Officer granting patta in favour of the fourth respondent.

2.The subject property belongs to one Ramakrishnan. The original writ petitioner, Subramaniam, is the son of Ramakrishnan, through the first wife. Subramaniam is no more and his legal heirs are now substituted as petitioners in this writ petition. The respondents 5 to 7 are the sons of Ramakrishnan, through the second wife. There was a dispute between Ramakrishnan and Subramaniam and a partition suit came to be filed. In the partition suit, a finality has been arrived and Subramaniam got 'A' Schedule property and Ramakrishnan got 'B' Schedule property.



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3. After the demise of Ramakrishnan, Subramaniam claimed the share on 'B' Schedule property as a coparcener. However, the Tahsildar, without considering the same, has passed an order granting patta in favour of the fourth respondent, who purchased the property from the respondents 5 to 7. The Revenue Divisional Officer and the District Revenue Officer have also confirmed the same, without any application of mind.

4. During the course of hearing, it is represented that with regard to the right of Subramaniam on the 'B' Schedule property, the seventh respondent, one of the sons of Ramakrishnan through the second wife, has already filed a suit before the I Additional Sub Court, Madurai, in O.S.No. 478 of 1988.

5. Since on the very same subject, a suit has already been filed and the suit is pending from the year 1988, this Court dispose of this writ petition with liberty to the parties to work out their remedy in the suit. Considering the fact that the suit is pending from the year 1988, the



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learned Subordinate Judge is directed to conduct the trial on day-to-day basis and conclude the same within a period of four months from the date of receipt of a copy of this order. Till such time, the fourth respondent shall not create any alienation based on the patta issued by the revenue officials.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

18.10.2023

Note:

Mark a copy of this order to
The I Additional Subordinate Judge,
Madurai.

To

- 1.The District Revenue Officer,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Madurai, Madurai District.
- 3.The Tahsildar,
Melur, Madurai District.



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B.PUGALENDHI, J.

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