



W.P.(MD) No.3101 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.3101 of 2014
and
M.P.(MD) Nos.1 and 2 of 2014**

G.Sankaranarayanan

... Petitioner

/vs./

1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

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

3.The Tahsildar,
Tuticorin,
Tuticorin District.

4.T.Ebenezer Gnanaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the order passed in the revision in Na.Ka.D3/47741/2012 dated 26.12.2013 on the file of the 1st



W.P.(MD) No.3101 of 2014

respondent confirming the order passed in the appeal in Ni.Mu.A1/3833/2012 dated 04.09.2012 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.M.P.Senthil
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.G.Prabhu Rajadurai

ORDER

The writ petition is seeking for a Certiorari to call for the records relating to the order passed in the revision in Na.Ka.D3/47741/2012 dated 26.12.2013 on the file of the first respondent confirming the order passed in the appeal in Ni.Mu.A1/3833/2012 dated 04.09.2012 on the file of the second respondent and to quash the same.

2.The petitioner had made a request for mutation of revenue records in his name. The said request was rejected on the ground that a suit in O.S.No.496 of 2011 on the file of the Principal District Munsif Court, Tuticorin was pending. The petitioner had withdrawn the said suit, as it was only for simpliciter injunction and had now filed a suit in O.S.No.166 of 2021 before the Sub Court, Thoothukudi and the same is pending consideration.



W.P.(MD) No.3101 of 2014

WEB COPY

3.I find no infirmity in the order passed by the first respondent, as he cannot pass any orders on an application for mutation of revenue records, if there is a dispute to the title of the property, in view of Rule 4(4) of the Tamil Nadu Patta Passbook Act, 1983. That apart, a Division Bench of this Court as well as the Hon'ble Apex Court had held that when there is a dispute as regards to the title of the property, the revenue authorities cannot enter upon such dispute and proceed to pass orders and that they have to await the conclusion in the civil proceedings. In this case, admittedly now a suit in O.S.No.166 of 2021 on the file of the Sub Court, Thoothukudi is pending. Hence, the petitioner as well as the fourth respondent herein are at liberty to approach the revenue authorities for mutation of revenue records subject to the outcome of the civil proceedings.

4.With the above liberty, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

02.02.2023



WEB COPY



W.P.(MD) No.3101 of 2014

K.KUMARESH BABU, J.

mm

To

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

W.P.(MD) No.3101 of 2014

02.02.2023