

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12967 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

P.Sridharan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Trichy.

2.B.Dayanithi

3.K.Perarulan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records on the file of the 1st respondent in connection with the order passed by him in his Proc. Na.Ka(A7) 1460-2015 dated 01.06.2015 and quash the same.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1

: Mr.Shanmugaselvam for R2

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent and the learned counsel for the second respondent.

2. The second respondent had lodged a complaint before the first respondent against the writ petitioner in respect of the petition mentioned property. The second respondent took the same on file and issued notice to the petitioner. Challenging the same, the writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I am not swayed by the said submission of the learned counsel for the petitioner. It is true that the civil suit is pending in respect of the subject property. But then, the suit was filed not by the second respondent but by the third respondent. The second respondent is not a party to the suit. In any event, the first respondent has issued notice. It is always open to the petitioner to place all his contentions and objections before the first respondent. If any adverse order is passed by the first respondent, the petitioner can always move this Court for relief. At this stage, the writ petition has been prematurely filed.

5. Leaving open all the contentions and defences of the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

The Revenue Divisional Officer,
Trichy.

W.P(MD)No.12967 of 2015

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.12967 of 2015

05.09.2023