



W.P(MD)No.14078 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14078 of 2015

and

M.P.(MD)No.1 of 2015

Muniyaiah

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

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

3.The Tahsildar,
Gandarvakottai Taluk,
Pudukkottai District.

4.Chellammal

... 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 of the 1st Respondent relating to impugned order in Ni.Mu.D3/41843/2013 dated 5.6.2015 and quash the same.



WEB COPY



W.P(MD)No.14078 of 2015

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 to R3. The fourth respondent is said to have passed away.

2. It is not necessary to adjourn the proceedings to enable the petitioner to take steps for bringing the legal heirs of the fourth respondent on record. This is because, the petitioner's grand father Sappani Poosari and Muthusamy Poosari filed O.S.No.56 of 1986 on the file of the Additional District Munsif Court, Pudukkottai seeking the relief of declaration and permanent injunction. The fourth respondent herein figured as second defendant in the suit. The suit was decreed as prayed for on 18.12.1990. The defendants filed A.S.No.131 of 1991 before the Sub Court, Pudukkottai. The appeal was partly allowed and the matter was remanded to the file of the trial Court for rehearing. Thereafter, the suit came to be dismissed on 13.11.1995. Aggrieved by the same, the plaintiffs filed A.S.No.3 of 1996 before the Principal District Judge, Pudukkottai. The appeal was allowed on 24.07.1996 and the suit came to be decreed as prayed for. Questioning the same, the defendants filed S.A.No.287 of 1999. It was dismissed as default on 28.01.2013.



W.P(MD)No.14078 of 2015

WEB COPY

3. The learned counsel for the petitioner states that S.A.No.287 of 1999 has not been restored. The petitioner is entitled to the benefit of the outcome of the civil proceedings. Hence, patta should have been mutated in consonance with the civil Court's decree. In the mean while, the fourth respondent moved the District Revenue Officer, Pudukkottai for relief. Her application was allowed vide order dated 05.06.2015. The District Revenue Officer, Pudukkottai ought to have seen that by then, Chellammal had already lost in the civil proceedings. Therefore, the order the District Revenue Officer would patently run counter to the civil Court's decree.

4. In this view of the matter, the order impugned in the writ petition is set aside. The Tahsildar, Gandarvakottai Taluk, shall effect mutation in the revenue record in consonance with the civil Court's decree. This shall be done after notice to the parties concerned. The entire exercise shall be completed within a period of 16 weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.14078 of 2015

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Office,r
Pudukkottai District,
Pudukkottai.
- 3.The Tahsildar,
Gandarvakottai Taluk,
Pudukkottai District.

W.P(MD)No.14078 of 2015

27.09.2023