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W.P.(MD)NO.18578 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18578 of 2015 AND
M.P.(MD)No.1 of 2015 &
W.M.P.(MD)No.3969 of 2017

A.Chandrasekaran

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Pudukkottai District.

2. The Tahsildar,
Pudukkottai District.

3. Maheswaran
Rep. by Power Agent
G.M.Balu Thevar

4. Punnya Nathy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the second respondent in his proceedings in PTR No.1246 of 2015 dated 16.07.2015 and to quash the same with a consequential direction to restore status quo ante.

For Petitioner : Mr.N.Balakrishnan



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For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-4 : Mr.R.Paranjothi
For R-3 : K.Baalasundharam,
Senior counsel,
for Mr.G.Thandayuthapani.

* * *

ORDER

Heard the learned counsel on either side.

2. I consciously refrain from going into the factual aspects. The respective claims of the parties will be independently adjudicated and not in this writ petition.

3. The Revenue Divisional Officer, Pudukottai issued proceedings dated 29.05.2014 including the names of respondents 2 and 3 in the revenue record in respect of the petition-mentioned lands. Aggrieved by the same, the writ petitioner herein filed W.P.(MD)No.13657 of 2014 on 20.08.2014. This Court granted an order of interim stay. Even when the interim stay was in force, the impugned order dated 16.07.2015 came to be passed by the Tahsildar, Pudukottai. By



the impugned proceedings dated 16.07.2015, the names of respondents 2 and 3 have been included in the revenue record.

4. The only question that calls for consideration is whether the impugned proceedings deserve to be set aside.

5. I will not fault the Tahsildar, Pudukottai for having issued the impugned proceedings. This is because the Tahsildar, Pudukottai was not a party to W.P.(MD)No.13657 of 2014. But Maheswaran and Punnya Nathi were figuring as respondents 2 and 3 in the said writ petition. They had entered appearance in W.P.(MD)No.13657 of 2014 in September 2014 itself. They knew about the interim order of this Court. On 06.07.2015, they submitted applications before the Tahsildar, Pudukottai for mutation of patta. When this Court was seized of the matter and when the order passed by the Revenue Divisional Officer was stayed by this Court, respondents Maheswaran and Punnya Nathi could not have submitted any application for mutation of patta. Without holding any enquiry, the impugned order came to be passed



straightaway. The writ petitioner was also not put on notice. It is true that there is distinction between the order of interim stay and interim injunction. The order of interim stay is in respect of the proceedings while an order of interim injunction operates against the individual. But on this technical ground, the private respondents cannot be permitted to find any exit route. Maheswaran and Punnya Nathi should not have approached the Tahsildar when they knew fully that interim order was granted in W.P.(MD)No.13657 of 2014. On these twin grounds, namely, grant of interim order in the earlier writ petition and violation of principles of natural justice, the proceedings dated 16.07.2015 is set aside. This writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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



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G.R.SWAMINATHAN,J.

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