



W.P(MD)No.18942 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18942 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

A.Kuppan @ Rasu

... Petitioner

Vs

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

2.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.

3.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.

4.Adaikkan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records and quash the impugned order passed by the second respondent in his proceedings No.P.T.R Thomu. 95/09/B2 dated 27.05.2009 on the ground that the same is arbitrary, illegal, perverse.



W.P(MD)No.18942 of 2015

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.3

Mr.S.Muthalraj for R.4

ORDER

Heard both sides.

2. The petitioner challenges the impugned order passed by the Zonal Deputy Tahsildar, Ponamaravathi on 27.05.2009 in favour of the fourth respondent.

3. The petitioner as well as the fourth respondent have been locked in litigation before the authorities as well as before the civil Court. The fourth respondent filed O.S.No.77 of 1998 on the file of the District Munsif Court, Thirumayam seeking the relief of permanent injunction. The suit was dismissed on 25.09.2008. Aggrieved by the same, the fourth respondent filed A.S.No.13 of 2009 before the Sub Court, Pudukkottai. The decree of the trial Court was set aside and reversed and appeal was allowed on 30.07.2013. Challenging the same, the petitioner and his father filed S.A(MD)No.532 of 2014 before this Court. Vide order dated 23.06.2014 in M.P(MD)No.1 of 2014 an interim order of suspension was granted for a period of four weeks.



W.P(MD)No.18942 of 2015

4. The impugned order is based on the order dated 07.02.2005 passed by the District Revenue Officer, Pudukkottai. The said order is against the writ petitioner. The petitioner thereupon filed an appeal before the Commissioner of Land Administration. The appeal was dismissed on the ground it was barred by limitation. Challenging the same, the petitioner's father filed W.P.No.3512 of 2006. Vide order dated 10.02.2006, it was set aside and the matter was remitted to the file of Commissioner of Land Administration. It is stated that appeal is still pending.

5. At this stage, the Zonal Deputy Tahsildar, Ponnamaravathy chose to act on the basis of the order dated 07.02.2005 passed by the District Revenue Officer, Pudukkottai. Technically the Zonal Deputy Tahsildar was justified since the said order had not been stayed or set aside by the CLA. But then the Zonal Deputy Tahsildar ought to have taken note of the fact that the CLA was seized of the matter. The issue had already been come before this Court also. The suit filed by the fourth respondent had been dismissed in the meanwhile. In this background, the Zonal Deputy Tahsildar, Ponnamaravathy could not have taken up the matter for consideration at all.



W.P(MD)No.18942 of 2015

6. On this sole ground the impugned order is set aside and this writ petition is allowed. The rights of the parties will abide by the outcome of S.A(MD)No.532 of 2014. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

14.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Revenue Officer,
Pudukottai,
Pudukkottai District.
- 2.The Tahsildar,
Ponnamaravathy Taluk,
Pudukkottai District.
- 3.The Inspector of Police,
Ponnamaravathy Police Station,
Pudukkottai District.



WEB COPY



W.P(MD)No.18942 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.18942 of 2015
and
M.P(MD)Nos.1 & 2 of 2015

14.08.2023