



W.P.(MD).No.22112 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.22112 of 2021

and

W.M.P.(MD).No.18707 of 2021

V.Pandian

... Petitioner

Vs.

- 1.The District Collector,
Office of the The District Collector,
Theni,
Theni District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate,
Theni,
Theni District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Periyakulam,
Theni District.
- 4.The Tahsildar,
Office of the Taluk Office,
Periyakulam Taluk,
Theni District.



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5.The Village Administrative Officer,
Office of the Village Administrative Officer,
Devathanapatti,
Theni District.

6.K.Marimuthu

7.M.Chitra Devi

8.Ali

9.Fathima Kani

10.Arabusait

11.Ajmeer

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to restore the patta from the name of the respondents 6 and 7 to the previous position in the revenue record in respect of Survey No.2430/1 of Devadhanapatti Village and also the respondents 1 to 3 to give suitable direction to the fourth respondent to restore the patta from the name of the respondents 6 and 7 to the previous position in respect of Survey No.2430/1 of Devadhanapatti Village in the revenue record as per the representation dated 12.05.2021.

For Petitioner : Mr.M.A.M.Raja

For R-1 to R-5 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R-6 to R-11 : No Appearance



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the fourth respondent to restore the patta to its original position by considering the representation made by the petitioner on 12.05.2021.

2. The grievance of the petitioner is that there is a dispute between the petitioner and the private respondents and the petitioner has already approached the competent Civil Court and filed O.S.No.38 of 2021 before the District Munsif Court, Periyakulam seeking for declaration of the document executed as null and void. When the suit was pending, the respondents 6 and 7 were attempting to create further encumbrance in the property by taking advantage of the entries made in the patta by the fourth respondent. In view of the same, the petitioner made a representation to the fourth respondent to restore the patta to its original position by removing the name of the respondents 6 and 7. Since the same was not considered, the present Writ Petition has been filed before this Court.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the respondents 6 and 7 had taken advantage of the



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entry made in the revenue records and they have created further alienation.

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4. In the considered view of this Court, when a substantive suit is pending before the competent Civil Court and the same has also been informed to the fourth respondent, the fourth respondent is not expected to deal with this dispute and the parties must be relegated to the Civil Court and subject to the final result in the suit, the revenue authorities must act upon the same.

5. In the instant case, there is already a substantive suit pending before the competent Civil Court. In view of the same, the fourth respondent has to necessarily deal with the representation made by the petitioner on 12.05.2021 wherein the petitioner has sought for restoration of patta to its original position. Before passing the final orders, the fourth respondent shall put on notice the petitioner and the private respondents and orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order.



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6. This Writ Petition is disposed of accordingly. No costs. Consequently,

connected miscellaneous petition is closed.

21.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

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N.ANAND VENKATESH, J.

Nsr

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