



W.P.(MD)No.6927 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6927 of 2016

and

W.M.P.(MD)Nos.5927 of 2016 and 18449 of 2023

M.Abdul Kareem

... Petitioner

versus

1. The District Revenue Officer,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3. The Tahsildar,
Thirumangalam,
Madurai District.

4. V.Sheik Parveen

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.No.7834/2010/G2 and Na.Ka.No.58127/2013/G2, dated 29.02.2016, quash the same and direct the respondents 1 to 3 to restore the patta for S.No.139/17 measuring 61 cents, S.No.148/1 measuring 64 cents and S.No.148/2 measuring 3 acres 8 cents of Maravankulam Village, Thirumangalam Taluk, Madurai District in the name of V.Mohammed Musthafa.

For Petitioner : Mr.V.Ramakrishnan

For R1 to R3 : Mr.M.Suriya Ananth
Additional Government Pleader

For R4 : Mr.R.Rajamohan

ORDER

This writ petition is filed as against the order dated 29.02.2016 passed by the first respondent/the District Revenue Officer, Madurai, under Patta Pass Book Act, 1983.



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2. The petitioner has filed a Civil Suit in O.S.No.54 of 2004 as against the 4th respondent with regard to the properties in Survey Nos. 139/17, 148/1, 148/2 of Maravankulam Village, Thirumangalam Taluk, Madurai District, before the I Additional Sub Court, Madurai, for declaration and also for permanent injunction. The 4th respondent has also filed a similar suit on the very same properties in O.S.No.126 of 2005. Both the suits were taken up together and by way of a common Judgment dated 17.07.2018, the learned I Additional Sub Judge, Madurai, has dismissed the suit filed by the petitioner and decreed the suit in favour of the 4th respondent. As against the Judgment and decree passed in O.S.No.54 of 2004 and in O.S.No.126 of 2005, the petitioner has filed an appeal before the VI Additional District Court, Madurai in A.S.Nos.14 and 15 of 2019 and both the appeals were dismissed, by Judgment and Decree 03.01.2020. Aggrieved over the same, the second appeals have been preferred by the petitioner in S.A. (MD)Nos.712 and 713 of 2020 and the same are pending.



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3. The grievance of the petitioner in this writ petition is that though the pendency of the civil dispute has been intimated to the revenue officials, the first respondent has passed the impugned order holding that the 4th respondent is having title over the property.

4. As per Rule 4(4) of the Patta Pass Book Rules, the Revenue Officials are not supposed to record any finding with regard to the title over the property.

5. Though this Court accepts the contention of the learned counsel for the petitioner, it appears that in the subsequent event, the competent Civil Court has decreed the suit in favour of the 4th respondent and the appeal suits preferred by the petitioner were also dismissed. Further, the second appeals preferred by the petitioner have been entertained by this Court and the same are now pending before this Court.



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6. Therefore, this writ petition is disposed of with liberty to the petitioner to work out his remedy on the outcome of the second appeal.

No costs. Consequently, connected miscellaneous petitions are closed.

06.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.



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B.PUGALENDHI, J.

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