



W.P.(MD) No.7694 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.7694 of 2016
and
W.M.P (MD) No.6383 of 2016

1.Bharathi
2.Marimuthu

... Petitioners

Vs.

1. The District Revenue Officer,
Pudukkottai, Pudukkottai District.
2. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.
3. The Tahsildar,
Karambakudi Taluk, Pudukkottai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in Ne.Mu.10528/2015/A3 dated 25.02.2016 confirming the proceedings of the 2nd respondent in Na.Ka.A4/3000/2015 dated 24.06.2015 passed by the 2nd respondent and quash the same and directing the respondents to cancel the subdivision order in respect of S.F.No.



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165/10C situated in Kulamppampatti Hamlet, Pallavarayan Paththai Revenue Village, Karambakudi Taluk, Pudukkottai District.

For Petitioners :Mr.K.Baalasundharam

For Respondents :Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioners have challenged an order dated 25.02.2016 by which the District Revenue Officer concluded that he will act on the basis of the judgment and decree of the civil court in the pending proceedings.

2. The petitioners assert title to the land bearing Survey No. 165/10 at Kulamppampatti Hamlet, Pallavarayan Paththai Revenue Village, Karambakudi Taluk, Pudukkottai District. According to the petitioner, the said land admeasuring 10 cents is the ancestral property of the petitioners. It is asserted that the said land stood in the name of the petitioners' father even before the UDR scheme. The petitioners assert that some third parties attempted to encroach upon the said property and that various proceedings were initiated in relation thereto. It is further stated that the third respondent removed the fencing that the petitioners had erected in the property.



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3. Learned counsel for the petitioners reiterated the above facts and submitted that the impugned order is liable to be interfered with so as to enable the petitioner to protect their property by erecting a fence so as to prevent encroachment thereof.

4. Learned Special Government Pleader invited my attention to the impugned order. By referring to the operative portion thereof, she submitted that the District Revenue Officer noticed the fact that there are civil proceedings pending before the District Court, Pudukottai. Therefore, the District Revenue Officer concluded that any decision with regard to the mutation of revenue records would be taken on the basis of the judgment and decree of the civil court. In these circumstances, learned Special Government Pleader submits that there is no scope for interference with the impugned order.

5. Upon perusal of the impugned order, I find that the District Revenue Officer has noticed that the land bearing Survey No.165/9 is a “Vandipathai” and that it is adjacent to Survey No.165/10A. He has also



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taken notice of the fact that members of the public, who reside in the vicinity, have been using these lands as a pathway. Eventually, he concluded that any mutation in the revenue records would be on the basis of the judgment and decree of the civil court in the pending proceedings.

6. Therefore, the petitioners have not been prejudiced by the order of the District Revenue Officer. It is always open to the petitioners to effectively prosecute the pending civil proceedings and approach the revenue authority for mutation of the revenue records, if required, on that basis. The civil court may decide the pending proceedings uninfluenced by the observations in this order.

7. W.P. (MD) No.7694 of 2016 is disposed of on the above terms without any order as to costs. Consequently, connected miscellaneous petition is closed.

30.03.2023

NCC :No
Internet :Yes
Index :No
PKN



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SENTHILKUMAR RAMAMOORTHY, J.

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