



W.P(MD)No.24061 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24061 of 2023

and

W.M.P(MD)No.20219 of 2023

M.Rajkumar

... Petitioner

Vs.

1.The State represented by
The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Thiruvaidaimaruthur Taluk,
Thiruvaidaimaruthur,
Thanjavur District.

4.Vaithiyanathan

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relates to the impugned order passed by the first respondent dated 17.08.2023 vide his proceedings in Tha.Pa.08-2022.U(2) and consequently directing the respondent 1 to 3 to ensure Patta No.111 in the petitioner's name with respect to property in R.S.Nos.209/19 and 209/20 (Old S.F.No.209/1) situated in Kathiramangalam Village, Thiruvudaimaruthur Taluk, Thanjavur District.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents. Considering the nature of the relief to be granted, issuance of notice to the fourth respondent is dispensed with.

2. The petitioner challenges the impugned order passed by the District Revenue Officer, Thanjavur on the grounds set out in the affidavit filed in support of the writ petition. The prime argument of the



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learned counsel appearing for the petitioner is that the District Revenue Officer having earlier passed an order in favour of the petitioner, could not have passed an adverse order. According to him, the aggrieved individual who should have relief only before the Court concerned. It was not open to the District Revenue Officer to revisit his own earlier decision.

3. In normal circumstances, I would have definitely upheld such contention. But facts appearing on record are otherwise. It is well settled that the entries in the revenue record must be in consonance with the findings of the jurisdictional civil Court. The petitioner had filed O.S.No.235 of 2012 before the First Additional District Munsif Court, Kumbakonam seeking the relief of permanent injunction. The suit was dismissed on 12.03.2018. Aggrieved by the same, the petitioner filed A.S.No.30 of 2018 before the Additional Sub Court, Kumbakonam. It was also was dismissed. In the aforesaid decisions, the civil Courts have rendered a findings adverse to the petitioner. The impugned order is a direct fall out of the said findings. The petitioner is said to have filed Second Appeal before this Court challenging the aforesaid judgements



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and decrees. The petitioner's right will abide by the outcome of the Second Appeal. If the petitioner succeeds in the Second Appeal, the petitioner can very well move the District Revenue Officer, Thanjavur and the District Revenue Officer, Thanjavur will be obliged to pass an order in consonance with the judgment to be rendered in the Second Appeal.

4. With this observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2023

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

To

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Thanjavur District,
Thanjavur.



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G.R.SWAMINATHAN, J.

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