



W.P(MD)No.27963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27963 of 2023

and

W.M.P(MD)No.24077 of 2023

Ramalingam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani Division,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.K.Narayanasamy
4.R.Sivakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to relegate the respondents 3 and 4 to Sub-Court, Palani to contest the suit in O.S.No.326 of 2023 to decide the title over the property in Survey No. 143/2 situated at Pethanayyakkan Patti Village, Palani Taluk, Dindigul District.



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For Petitioner : Mr.T.Leninkumar
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. Considering the order to be passed, issuance of notice to the private respondents is dispensed with.

2.The third respondent has given a petition before the first respondent for effecting certain changes in the patta. The first respondent has issued notice to the petitioner. The petitioner was to appear on 24.11.2023. The case of the petitioner is that since he has already filed O.S.No.326 of 2023 before the Sub Court, Palani against the private respondents herein, the first respondent should not conduct any further enquiry and that he should relegate the parties to move before the jurisdictional civil Court.



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3.I am not inclined to interfere at this stage. This is because

I cannot assume that the first respondent will act contrary to law. When the third respondent has given a formal appeal, the first respondent is bound to enquire into the matter. It is always open to the petitioner to place his objections before the first respondent. The petitioner can definitely call upon the first respondent not to go into the merits of the issue since the civil Court is seized of the matter. It is the first respondent who has to take a call in the matter. The decision of the first respondent will subject to judicial review. At this stage, the petitioner's rights have not at all be infringed.

4.Leaving open all the contentions of the petitioner and granting liberty to the petitioner to move this Court if any adverse order is passed by the first respondent, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

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

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G.R.SWAMINATHAN, J.

MGA

To

1.The Revenue Divisional Officer,
Palani Division,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

Copy to:

The Sub Court, Palani.

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