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W.P.(MD)NO.28992 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28992 of 2023 AND
W.M.P.(MD)No.25033 of 2023

1. Panneer Selvam

2. Durairaj

... Petitioners

Vs.

1. The District Revenue Officer,
Pudukkottai.

2. The Tahsildar,
Karambakudi Village,
Pudukkottai.

3. Selvaraj

4. Thamarai Selvam

5. Logambal

6. Mallika

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from making any entry of modification in the revenue entries in the patta, pending the suit in O.S.No.220 of 2023 on the file of the District Munsif Court, Karambakudi.



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For Petitioners : Mr.K.K.Udayakumar,
for Mr.H.Arumugam.

For R-1 & R-2 : Mr.M.Prakash,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. The main prayer in the writ petition is in the form of interim relief. The Hon'ble Supreme Court in the decision reported in ***AIR 1952 SC 12 (State of Orissa V. Madan Gopal Rungta)*** had held that such a prayer cannot be maintained.

3. The petitioners have to necessarily work out their rights in the pending civil suit. Whatever changes are allegedly made in the revenue record are subject to the outcome of the civil suit. Therefore, the question of interfering the matter at this stage does not arise.



4. At this stage, the learned counsel appearing for the petitioners submitted that the petitioners will file an IA in the pending suit. If such an IA is filed, the same shall be numbered immediately and disposed of on merits and in accordance with law as expeditiously as possible. It is open to the petitioners to make the revenue authorities as parties in the IA, even they are not defendants in the main suit.

5. With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.12.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

Note : Issue order copy on 08.12.2023.

To:

1. The District Revenue Officer,
Pudukkottai.
2. The Tahsildar,
Karambakudi Village,
Pudukkottai.



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G.R.SWAMINATHAN,J.

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