



Writ Petition No.8888 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8888 of 2020

and

W.M.P.No.10802 of 2020

1.R.Gunasekaran

2.R.Sridhar

... Petitioners

Vs.

1.The District Revenue Officer,
Virudhachalam Taluk,
Cuddalore District.

2.The Revenue Divisional Officer,
Virudhachalam Taluk,
Cuddalore District.

3.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.

4.The Village Administrative Officer,
Mangalampettai Village,
Virudhachalam Taluk,
Cuddalore District.

5.K.Thangaraj Asari
S/o.Kulandaivel Asari

... Respondents



Writ Petition No.8888 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 from changing the Patta No.1171 for the property in Survey No.106/3A in Mangalampettai Village, Virudhachalam District, Cuddalore District from the name of the petitioners to the name of the fifth respondent till the disposal of the civil suits in O.S.Nos.60 and 61 of 2019 on the file of III Additional District Sessions Court, Virudhachalam.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.A.Selvendran
Special Government Pleader
[R1 to R4]

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus forbearing respondents 1 to 4 from changing the Patta No.1171 for the property in Survey No.106/3A in Mangalampettai Village, Virudhachalam District, Cuddalore District from the name of the petitioners to the name of the fifth respondent till the disposal of the civil suits in O.S.Nos.60 and 61 of 2019 on the file of III Additional District Sessions Court, Virudhachalam.



Writ Petition No.8888 of 2020

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2. The case of the petitioners is that they are the owners of the subject property and filed a suit in O.S.No.60 of 2019 before the III Additional District and Sessions Court, Virudhachalam, Cuddalore District, seeking for the relief of declaration and permanent injunction. Yet another suit was filed by the second petitioner in O.S.No.61 of 2019 seeking for the very same relief. When these suits are pending, an attempt was made by the fifth respondent to get the patta transferred in his name. It is under these circumstances, the present writ petition has been filed before this Court to forbear the respondents 1 to 4 from mutating the revenue records till the civil proceedings are complete.

3. When the matter was taken up for hearing today, it was brought to the notice of this Court that the Tahsildar, through proceedings dated 31.03.2023, has transferred the patta in the name of the fifth respondent.

4. Learned counsel for petitioners submitted that when the writ petition was entertained by this Court, an order of interim injunction was granted for a period of eight weeks. In spite of the interim order passed by this Court, the Tahsildar has proceeded further to pass this order.



Writ Petition No.8888 of 2020

Hence, the petitioners have initiated separate contempt proceedings in Cont.P.No.2396 of 2023.

5. Heard Mr.K.Selvaraj, learned counsel for petitioners and Mr.A.Selvendran, learned Special Government Pleader appearing for respondents 1 to 4.

6. In the considered view of this Court, the suits that were filed by the petitioners came to be dismissed and as against the same, they have filed A.S.Nos.573 and 576 of 2003 and the same are pending before this Court. That apart, the Tahsildar has already passed an order transferring the patta in favour of the fifth respondent. The order passed by the Tahsildar cannot be held to be in violation of the order passed by this Court since this Court granted interim order only for a period of eight weeks. That apart, the Tahsildar had also taken into consideration the fact that the suit itself came to be dismissed. Therefore, the proceedings of the Tahsildar dated 31.03.2023 cannot be held to be contempt of the order passed by this Court.



Writ Petition No.8888 of 2020

WEB COPY

7. The relief that has been sought for in this writ petition has virtually become infructuous. However, it is left open to the petitioners to work out their remedy in the pending appeals and the proceedings of the Tahsildar, dated 31.03.2023 will be subject to the final decision in the pending appeals before this Court.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The District Revenue Officer,
Virudhachalam Taluk,
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2. The Revenue Divisional Officer,
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3. The Tahsildar,
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WEB COPY



Writ Petition No.8888 of 2020

N.ANAND VENKATESH, J.

gm

4.The Village Administrative Officer,
Mangalampettai Village,
Virudhachalam Taluk,
Cuddalore District.

5.The Public Prosecutor,
High Court, Madras.

Writ Petition No.8888 of 2020

05.04.2024