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W.P. No.12346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12346 of 2024

Murugesan

... Petitioner

Vs

- 1.The District Collector
District Collector Office, Kallakurichi
- 2.The Revenue Divisional Officer
Kallakurichi, Kallakurichi District
- 3.The Zonal Deputy Tahsildar, Kallakurichi
Kallakurichi District
- 4.The Thasildar, Kallakurichi
Kallakurichi District
- 5.The Village Administrative Officer
Kaniyamoor, Kallakurichi District
- 6.Mr.S.Silambarasan
Zonal Deputy Tahsildar
Kallakurichi
- 7.Mrs.Thenmozhi
Village Administrative Officer
Kaniyamoor, Kallaukurichi District



W.P. No.12346 of 2024

8.Kanagam

9. Vijayakumar

10.Kesavaraj

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records with respect to the impugned proceedings of the 4th respondent dated 06.01.2024 in A3/62/2023 and quash the same, consequently direct the 2nd respondent to remove the names of the respondents 8 to 10 in the revenue records with respect to Patta No.255 regarding SF. No.45/1B of Kaniyamoor Village, Kallakurichi District as per the direction of the 2nd respondent in his proceedings in Pa.Mu. A4/162/2023 dated 24.02.2023 within a reasonable time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.U.Baranidharan
Addl. Govt. Pleader for R1 to R5

ORDER

Challenge has been made to the proceedings of the Tahsildar in not effecting the orders of the Revenue Divisional Officer for removing the names of some of the co-owners. According to the petitioner, names of respondents 8 to



W.P. No.12346 of 2024

WEB COPY

10 have been wrongly included in the revenue records. In this regard, the Revenue Divisional Officer had also directed the Tahsildar to remove the names, however, the Tahsildar has not removed their names citing pendency of a civil suit. Challenging the said proceedings, the present writ petition has been filed.

2. Heard both sides and perused the materials available on record.

3. Though it is projected as if respondents 8 to 10 have no way connected with the suit properties and they are only the third parties, on perusal of a copy of the plaint annexed with the typed set of papers, indicate that writ petitioner/plaintiff has arrayed respondents 8 to 10 herein as defendants 1 to 3 in the plaint, as they are also from common ancestors. When the plaint itself indicates that they are all from common ancestors and the partition suit is also pending between the parties, at this stage, the direction to remove the names of the co-sharers does not arise at all. Even the orders of the Revenue Divisional Officer or the District Revenue Officer will not serve any purpose, as it will be against the decision of the civil court. Therefore, this court is of the view that, if at all any right is established before the civil court, the revenue records can be



W.P. No.12346 of 2024

WEB COPY

challenged based on such finding of the civil court and not before that. At the same time, as the suit is pending, if any alienation is made in respect of the property, the same is subject to the result of the suit.

4. With the above observation, the writ petitions is dismissed. No costs.

04.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

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W.P. No.12346 of 2024

WEB COPY

Kallakurichi
7.Mrs.Thenmozhi
Village Administrative Officer
Kaniyamoor, Kallaukurichi District

8.The Government Pleader
High Court, Madras



WEB COPY



W.P. No.12346 of 2024

N.SATHISH KUMAR, J.

Asr

W.P.No.12346 of 2024

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