



WEB COPY



W.P.No.32511 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2024

CORAM:

THE HON'BLE MR JUSTICE P. VELMURUGAN

W.P.No.32511 of 2023

Tmt.S.Podhumani

...Petitioner.

Versus

1.The District Collector,
Collectorate Office, Satuvachari,
Vellore – 632 009.

2.The Tahsildar,
Taluk Office,
Velapadi,
Vellore – 632 001.

3.The District Revenue Officer,
Office of the District Collector,
Sathuvachari,
Vellore – 632 009.

4.The Revenue Divisional Officer,
RDO Office, Collectorate,
Vellore – 632 009.

5.G.Rathina

6.O.Krishnaveni

...Respondents



W.P.No.32511 of 2023

Prayer: This writ petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings Ni.Mu.D.3/16410/2023 dated 17.10.2023 and to quash the same as illegal and arbitrary and consequently directing the 3rd respondent to remove the names of the 5th and 6th respondents in Patta No.362.

For petitioner : Ms.Shabnam Banu

For respondents

For R1 to R4 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For R5 and R6 : Mr.A.Gouthaman

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India, with a prayer to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his proceedings Ni.Mu.D.3/16410/2023 dated 17.10.2023 and to quash the same as illegal and arbitrary and consequently directing the 3rd respondent to remove the names of the 5th and 6th respondents in Patta No.362.

2. Ms.Shabnam Banu, learned Counsel for the petitioner submits that there are two civil suits pending, one suit is for partition and another is for bare injunction. Though the 5th and 6th respondents had filed a suit for bare injunction and also filed interlocutory application seeking for



W.P.No.32511 of 2023

interim injunction in I.A.No.1165 of 2015 in O.S.No.284 of 2015 before the learned Additional District Munsif, Vellore and the same was dismissed vide order dated 16.04.2018.

3. However, the partition suit now is pending regarding the rights of the parties and injunction is there for possession and disturbance of the parties. Though both the suits are pending, the Revenue Authorities without considering the same issued the Patta and therefore, the petitioner filed petition to remove the Pattas stand in the name of the 5th and 6th respondents and issue Patta in the name of the petitioner. Though the Revenue Divisional Officer without considering the suit and is pending and without Issuance of Patta and canceling the Patta in the name of the other Respondents and passed the order, therefore, which is under challenge. Though sufficient opportunities were given to the Official Respondents, they have not filed the counter in time.

4. Heard learned Counsel for the petitioner and learned counsel for the private respondent and perused all the materials available on record.



W.P.No.32511 of 2023

WEB COPY

5. Since the civil suits are pending, whatever the order passed by the Revenue Authority would not bind upon the parties. However the Petitioner, 5th and 6th respondents are at liberty to workout their remedy in the pending suits before the Civil Court.

6. Accordingly, with the above observations and directions, the writ petition is disposed of. There shall be no order as to costs.

22.01.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation Case: Yes/No

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P. VELMURUGAN,J.

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