



W.P(MD)No.4122 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4122 of 2024
and
W.M.P(MD)Nos.3969 & 3971 of 2024

N.Pitchaimani

... Petitioner

Vs.

1.The District Revenue Officer,
O/o.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Taluk Office,
Kalayarkovil,
Sivagangai Taluk.

3.Gandhi

4.Pandi

5.Govindhammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for



W.P(MD)No.4122 of 2024

the records in pursuant to the second respondent's impugned order in T.R.No.2024/23/15/000386SD dated 23.01.2024 and quash the same and consequently direct the second respondent to restore the original patta No. 1046 in the name of petitioner in respect of the petitioner's property in S.No.155/6 in an extent of 3 acres 35 cents, Purasadigroup, Mudikarai, Pudukulam udkadi, Vidatha Kanmoi, Verpuli Kuthirai Panchan Village, in Patta no. 1046 Kalayar Kovil Taluk, Sivagangai District.

For Petitioner : Mr.J.John

For Respondents : Mr.M.Lingadurai
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 official respondents.

2. It is seen that the private respondents herein (respondents 3 to 5) filed O.S.No.81 of 2015 before the District Munsif Court, Sivagangai. The writ petitioner figured as the fourth defendant in the said suit. The suit was dismissed on 04.12.2017. Aggrieved by the same, the plaintiffs



W.P(MD)No.4122 of 2024

filed A.S.No.17 of 2018 before the Sub Court, Sivagangai. Appeal was allowed on 28.06.2022 and it was declared that the suit property belongs to the plaintiffs. Permanent injunction was also granted against the defendants. Questioning the same, the petitioner herein filed S.A(MD)No.607 of 2022. The grievance of the petitioner is that without having regard pending of the second appeal, mutation in the revenue record was made. Challenging the same, the present writ petition came to be filed.

3. When the private respondents are having decree in their favour, the revenue authorities bound to act in consonance with the same. It is true that the petitioner has filed second appeal before this Court and that it is still pending. The private respondents also entered appearance. But then, the petitioner must have obtained interim order of stay / suspension in his favour. The revenue authority cannot be accepted to wait indefinitely. I will not fault the second respondent for having mutated the revenue record in his favour. But then, this will have to necessarily abide by any interim order or final decree to be passed in the second appeal. The fact that mutation has been made need not come in the way



W.P(MD)No.4122 of 2024

of the petitioner from pursuing his remedy in the pending second appeal.

The rights of the parties will abide by the outcome of the second appeal.

4. With these observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.02.2024

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

To

1.The District Revenue Officer,
O/o.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Taluk Office,
Kalayarkovil,
Sivagangai Taluk.

Copy to

1.The District Munsif Court, Sivagangai.
2.The Sub Court, Sivagangai.

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W.P(MD)No.4122 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.4122 of 2024
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