



W.P(MD)No.4624 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4624 of 2024

and

W.M.P.(MD)No.4462 of 2024

Sangeetha

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.

2.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

3.Mythili Chemicals (P) Ltd.,
Rep. by its Director Sambamoorthy,
Old Door No.222, New Door No.43,
80 Feet Road, K.K.Nagar,
Madurai 20.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the Respondents No.1 and 2 from any way permitting the 3rd respondent for mutating the Revenue Records in favour of the 3rd Respondent and 3rd parties pending disposal of A.S.No.5 of 2024 on the file of Honourable Sub Court, Aruppukkottai, by considering the Petitioner's representation dated 19.02.2024 in connection with the property situated at S.No.270/1 in measurement 0.52.5



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(1 Acre 5 Cents) vide New Patta No.1249 old Patta No.894, situated at Poompidagai Village, Tiruchuli Taluk, Virudhunagar District.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 & R2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 & R2.

2. The prayer in the writ petition is that the revenue record should not be mutated in favour of the third respondent or third party till the disposal of A.S.No.5 of 2024 on the file of the Sub court, Aruppukkottai. Such a prayer cannot be maintained. The petitioner cannot expect the final relief to be granted under Article 226 of the Constitution of India in the nature of interim relief. It is seen that the third respondent had already obtained decree in their favour in O.S.No.304 of 2021 on the file of the District Munsif Court, Thiruchuli. Challenging the said decree dated 30.10.2023, the petitioner has filed the aforesaid first appeal. It is for the petitioner to obtain interim order in the pending first appeal. Instead of doing so, the present writ petition has been filed. Filing of the writ petition is misconceived. The petitioner has to necessarily pursue her remedy in the pending appeal.



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3. With this liberty to the petitioner to do so, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.02.2024

Index : Yes / No
Internet : Yes/ No
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To

1.The Revenue Divisional Officer,
Aruppukkottai Taluk,
Virudhunagar District.

2.The Tahsildar,
Thiruchuli Taluk,
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G.R.SWAMINATHAN, J.

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