



W.P(MD)No.14083 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14083 of 2024

and

W.M.P(MD)No.12369 of 2024

P.Jayaraman

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Iluppur Taluk,
Iluppur,
Pudukkottai District.

3.V.Solai Naidu

4.K.Bragathambal

5.K.Kesavan

6.V.Kittu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned proceedings in Ni.Mu.Aa3/1677260/2024 dated 04.04.2024 served on 29.04.2024 on the file of the first respondent and



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quash the same as illegal and consequently direct the respondents 1 and 2 to restore the Patta in the petitioner's name as it stood earlier in respect of the property comprised in Natham New Survey No.550/10 (Old Survey No.186/1 Part) situated at Annavasal Village, Iluppur Taluk, Pudukkottai District.

For Petitioner : Mr.M.Kalifullah

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner challenges the order dated 04.04.2024 passed by the District Revenue Officer, Pudukkottai at the instance of the third respondent herein. The first respondent had directed that the private respondents are entitled to 872 Sq.ft of land in the petition mentioned survey number in view of the execution of sale deed dated 20.06.1980 by Alagammal in favour of Venkatachala Naidu. The petitioner challenges



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the same on the grounds set out in the affidavit filed in support of the writ petition. The learned counsel appearing for the petitioner reiterated all of them.

3.I am not inclined to interfere for two reasons. The first is that the petitioner has already filed O.S.No.31 of 2024 on the file of the jurisdictional Civil Court on 22.05.2024 seeking the relief of declaration and permanent injunction. Having invoked the civil Courts jurisdiction, it may not be open to the petitioner to subsequently challenge the order passed by the revenue authority in writ proceedings. Though I do not want to render a definite finding, I cannot fault the order passed by the first respondent because the first respondent has only chosen to recognise the right of the private respondents to the extent of purchase made by Thiru.Venkatachala Naidu under sale deed dated 20.06.1980. The first respondent cannot be said to have gone into contentious aspects of title. The first respondent has gone only by the registered instruments on record. Interference is not warranted. The petitioner is at liberty to pursue his remedy in the pending civil suit. The outcome of the writ petition will not cast any cloud on the petitioner's rights in the pending civil suit.



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4.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.07.2024

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

To

1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Iluppur Taluk,
Iluppur,
Pudukkottai District.



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G.R.SWAMINATHAN,J.

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