



W.P(MD)No.14904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14904 of 2023

and

W.M.P(MD)No.12577 of 2023
& W.M.P(MD)No.6669 of 2024

R.Shanmugam

... Petitioner

Vs.

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

2.The Tahsildar,
Alankudi Taluk,
Alankudi Taluk Office,
Alankudi,
Pudukkottai District.

3.K.Selvam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the first respondent in his proceeding No.Ne.Mu.23944/2020/D3 dated 31.05.2023 and quash the same in as much as O.S.No. 47/2015 is pending on the file of learned District Judge, Pudukkottai in respect of Land in S.No. 213/5, (Now 213/5A) Keeramangalam North Village, Alankudi Taluk and Post,



W.P(MD)No.14904 of 2023

Pudukkottai District measuring 1 Acre and 6 Cents between the petitioner and the third respondent.

For Petitioner : Mr.K.Raja
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

Mr.K.Balasundaram
Standing Counsel
for M/s.KBS Law Office for R.3

ORDER

Heard both sides.

2.After hearing both sides at length, I am clearly of the view that the issue has to be resolved only before the jurisdictional civil Court. It is seen that a partition suit was already filed in O.S.No.47 of 2015 on the file of the learned I Additional District Judge, Pudukottai. The third respondent herein has filed an Interlocutory Application for getting himself impleaded. The said Interlocutory Application can as well be allowed and the issue raised in this writ petition can be adjudicated in the pending partition suit. It is also open to the petitioner herein to file an independent suit if so advised.



W.P(MD)No.14904 of 2023

3.Granted such liberty to the petitioner, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15.07.2024

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

To

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

2.The Tahsildar,
Alankudi Taluk,
Alankudi Taluk Office,
Alankudi,
Pudukkottai District.

Copy to

I Additional District Judge,
Pudukkottai.



WEB COPY



W.P(MD)No.14904 of 2023

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.14904 of 2023

15.07.2024