



W.A.(MD) No.478 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD) No.478 of 2018

and

C.M.P.(MD) Nos.2873 & 2938 of 2018

1.Dhasammal

2.Natarajan

3.Sherli

4.Sunil

... Appellants

-vs-

1.The District Collector
Nagercoil
Kanyakumari District

2.The District Revenue Officer
Nagercoil
Kanyakumari District

3.The Revenue Divisional Officer
Padmanabhapuram
Thuckalay
Kanyakumari District



W.A.(MD) No.478 of 2018

WEB COPY

4.The Tahsildar
Kalkulam Taluk
Kanyakumari District

5.Arul Chrispher

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.12.2017, passed in W.P.(MD) No.23366 of 2017, on the file of this Court.

For Appellants : Mr.C.Kishore

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 to R4
Mr.R.J.Karthick for R5

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The order, dated 19.12.2017, passed by the learned Single Judge in W.P.(MD) No.23366 of 2017, is under challenge in this writ appeal.

2. The appellants filed the above writ petition challenging the order dated 02.11.2017, passed by the second respondent, cancelling the



W.A.(MD) No.478 of 2018

WEB COPY

patta granted in favour of the first appellant and directing the parties concerned to approach the competent Civil Court to establish their right over the petition mentioned property. Though the appellants assailed the order passed by the second respondent on several grounds, when the writ petition came up for hearing, the appellants submitted that they are intending to file a suit before the Civil Court. Hence, the learned Single Judge disposed of the writ petition recording the submission of the appellants and directing the parties concerned to maintain *status quo* till such time. Challenging the same, the writ petitioners have preferred this writ appeal.

3. Learned counsel for the appellants would submit that though the order passed by the learned Single Judge is a consented order, the learned Single Judge had failed to observe that the findings in the impugned proceedings shall not affect the suit intended to be filed the appellants and thereby, he would seek for clarification.

4. Per contra, learned counsel for the fifth respondent, on instructions, would submit that the learned Single Judge while disposing of the writ petition by granting liberty to the appellants to approach the competent Civil Court within a period of thirty days from date of receipt of a



W.A.(MD) No.478 of 2018

copy of the order, had directed *status quo* to be maintained by the respective parties till such time. However, the appellants have not filed any suit before the Civil Court within the time frame fixed by the learned Single Judge. Therefore, the appellants cannot claim any right over the petition mentioned property due to their lapses. Under the guise of getting clarification, the appellants are attempting to set aside the order passed by the second respondent, which was negated by the learned Single Judge by way of a consented order.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the order passed by the learned Single Judge, we find that while disposing of the writ petition filed by the appellants based on their submission that they are intending to file a suit before the Civil Court, the learned Single Judge had granted thirty days time to the appellants to file a suit and also directed the parties concerned to maintain *status quo* till such time. However, without filing any suit before the competent Civil Court within the time frame fixed by this Court and obtaining interim order in their favour, the appellants have preferred this writ appeal. In such circumstances, we are



W.A.(MD) No.478 of 2018

WEB COPY

of the view that no clarification is required as sought for by the appellants and the writ appeal is, therefore, liable to be dismissed.

7. In the result, the writ appeal is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

[A.D.J.C., J.] [K.R.S., J.]

25.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

- 1.The District Collector,
Nagercoil, Kanyakumari District.
- 2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay,
Kanyakumari District.
- 4.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.



WEB COPY



W.A.(MD) No.478 of 2018

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

krk

W.A.(MD) No.478 of 2018
and
C.M.P.(MD) Nos.2873 & 2938 of 2018

25.06.2024