



W.P(MD)No.25477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25477 of 2023

and

W.M.P.(MD)Nos.21654 and 21655 of 2023

and

W.M.P.(MD)No.21 of 2024

Kuzhipirai Pottramari Kulam Trust,
Represented by its Trustee,
K.Annamalai, S/o.Karuppiah,
19, Thiru.V.Ka.Street,
Thilagar Nagar, Karaikudi,
Sivagangai District.

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai.

3.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

4 Alagappan

5.Rajamanikkam

... Respondents



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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 the records of the impugned order passed by the 2nd respondent in his proceedings No.Ni.Mu.A4/0064/2021 dated 08.01.2021 and quash the same and consequently directing the respondents No.2 and 3 to restore the patta in the name of the petitioner in S.No.431/1, 2, 3, 4, 5 and 6 of Kuzhipirai Village, Thirumayam Taluk, Pudukkottai District within a time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.K.K.Kannan for R4 & R5.

ORDER

Heard both sides.

2.The petitioner challenges the order dated 08.01.2024 passed by the Revenue Divisional Officer, Pudukottai for mutating the petition mentioned survey numbers in favour of Thiruvalluvar Marriage Hall represented by its current Administrator (Ulaganayagi Amabal Kovil). The stand of the petitioner is that the petitioner / trust had earlier filed O.S.No.83 of 2004 on the file of the District Munsif Court, Thirumayam and obtained a decree of declaration and permanent injunction on 12.09.2006. The defendants filed A.S.No.50 of 2009



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before the Sub Court, Pudukottai. But the same was dismissed on 22.11.2010.

This decree had become final. The petitioner's contention is that the revenue record cannot run counter to the Civil Court's judgment and decree. Finding prima facie merit in the said contention, I had also granted interim order of stay on 19.10.2023. To vacate the same, the private respondents filed W.M.P.(MD)No.21 of 2024.

3.The learned counsel for the private respondents points out that in the civil suit filed by the writ petitioner, they were not made as parties. It is pointed out that in the civil suit, the State of Tamil Nadu represented by the District Collector, Pudukottai should have been shown as defendant. But then, the District Collector was not even made as party. My attention is drawn to the decree. The decree schedule relates to Old Survey Nos.396/1, 396/2 and 370. They correspond to Survey Nos.431/1, 431/2, 431/4, 431/5 and 431/6. But the impugned order pertains to S. No.431/3. I do not find S.No.431/3 in the decree. The learned counsel for the petitioner states that the subject matter of impugned order is also covered in the civil suit. It is a factual aspect. The petitioner of course was not put on notice before the impugned order was passed. I am therefore of the view that this should be gone into. If S.No.431/3 is covered in the suit decree, I would have set aside the impugned order. Since S.No.431/3 is



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not found in the decree, I am constrained to keep the impugned proceedings on

hold. The parties will appear before the Revenue Divisional Officer, Pudukottai on 18.03.2024 at 03.00 pm. The petitioner and the private respondents herein will not receive any fresh notice. It is open to both of them to place materials before the Revenue Divisional Officer, Pudukottai in support of their respective contentions. Based on the same, the Revenue Divisional Officer, Pudukottai will pass order afresh on merits and in accordance with law. The impugned order will abide by the order to be passed by the Revenue Divisional Officer, Pudukottai. Such an order shall be passed by the second respondent within a period of six weeks thereafter. I make it clear that I have not gone into the merits of the matter.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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WEB COPY

To:

- 1.The District Revenue Officer,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
Thirumayam Taluk,
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G.R.SWAMINATHAN, J.

ias

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