



W.P.(MD) No.18082 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18082 of 2017

and

W.M.P.(MD) Nos.14540 and 14541 of 2017

C.Selvamony

... Petitioner

/vs./

- 1.The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.
- 2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.
- 3.The Village Administrative Officer,
Kunnathoor Village,
Vilavancode Taluk,
Kanyakumari District.
- 4.The Taluk Surveyor/
Sub Divisional Officer,
Vilavancode Taluk,
Kanyakumari District.



W.P.(MD) No.18082 of 2017

WEB COPY

5.Gokuladhas

6.Saraswathi

7.Vinu

8.Vinil

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in Na.Ka.A3/3815/2015 dated 28.02.2017 and the consequential enquiry notice issued by the 1st respondent in Na.Ka.A3/3815/2015 dated 21.06.2017, quash the same.

For Petitioner : Mrs.J.Anandhavalli

For R1 to R4 : Mr.B.Saravanan
Additional Government Pleader

For R5 to R7 : Mr.D.Srinivasara Raghavan

For R8 : No appearance

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorari to quash the order passed by the first respondent in Na.Ka.A3/3815/2015 dated 28.02.2017 and the consequential enquiry notice issued by the first respondent in Na.Ka.A3/3815/2015 dated 21.06.2017.



W.P.(MD) No.18082 of 2017

WEB COPY

2. The petitioner's contention is that the property, measuring an extent of 8 cents, in S.No.52/7 belonged to his father, Chellayan Nadar and it was settled in favour of his mother by his father under a settlement deed dated 07.07.1969. Taxes and revenue receipts were received only in the name of his mother. On the death of his mother in the year 2011, the title devolved on the petitioner and others.

3. While so, the respondents 5 and 6 have settled the suit property in favour of their children, the respondents 7 and 8, in turn, had sold the land comprised in S.No.52/7, measuring an extent of 8 cents along with 1 cent in S.No.52/11. A civil suit for declaration and injunction was filed by the respondents 7 and 8 and in the said suit, the petitioner's mother was arrayed as the 7th defendant. This suit was decreed on 09.03.2011, against which an appeal is pending before the Sub Court, Kuzhithurai, to date in the unnumbered stage, as there is a delay in filing the appeal. Pursuant to the decree for declaration obtained by them, the respondents 5 to 8 have made an application to include their names in the patta and the same has also been ordered, which is the subject matter of challenge before this Court.



W.P.(MD) No.18082 of 2017

WEB COPY

4. Heard the learned counsel on either side.

5. The Civil Court has decreed the suit for declaration and injunction in favour of the respondents 7 and 8 in respect of the very same property in S.No. 52/7, measuring an extent of 8 cents. This judgment and decree has not been set aside to date. The Revenue Authorities are bound by the decree of the civil Court and it is on the basis of which the civil Court decree that the names of the respondents 5 to 8 have been included.

6. Considering the fact that the petitioner has challenged the judgment and decree by filing an appeal, I see no reason to interfere with the impugned order and as and when the petitioner's appeal is allowed, it is well open to him to approach the Revenue Authorities for issue of patta and for cancelling the patta issued in favour of the respondents 7 and 8.

7. With the above directions, the Writ Petition stands disposed of. No costs.



W.P.(MD) No.18082 of 2017

WEB COPY

Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

02.09.2024

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P.T.ASHA, J.



WEB COPY



W.P.(MD) No.18082 of 2017

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