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W.P.(MD)NO.30074 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.30074 of 2023 AND

W.M.P.(MD)No.25940 of 2023

R.Parameswari

... Petitioner

Vs.

1. The Assistant Director,
Town and Country Planning,
Hakim Ajmal Khan Road,
Chinna Chokikulam,
Madurai.
2. The District Revenue Officer,
Collector Office,
Madurai District.
3. The Revenue Divisional Officer,
Collector Office,
Madurai District.
4. The Tahsildar,
Madurai South,
Madurai District.
5. Rebekka Navamani
6. V.Jegan

... 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 pertaining to the impugned order in Ni.Mu.No.1653/2023/B dated 06.10.2023 on the file of the respondent No.3 insofar as the



petitioner's property in Re.S.No.51/12 in Melakuyilkudi Village, Madurai South Taluk, Madurai District is concerned and quash the same as illegal and consequentially directing the respondent No.4 to issue patta to the petitioner for the said subject property.

For Petitioner : Mr.S.Rajasekar,
for M/s.Lajapathi Roy and Associates.

For R-1 to R-4 : Mr.D.Gandhirajan,
Special Government Pleader.

For R-5 : Mr.B.Vijay Karthikeyan

* * *

ORDER

Heard both sides.

2. The petitioner and the fifth respondent are tracing their respective titles through two different streams. O.S.Nos.357 and 358 of 2020 on the file of the Sub Court, Thirumangalam are pending in respect of the very same subject matter. The petitioner has not been impleaded as a party in the said proceedings.

3. The petitioner can very well file an impleading application in one of the suits and project her case therein. If such an IA is filed, it shall be numbered and allowed by the trial Judge. The petitioner can very well raise counter claim, if she is so advised.



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4. The impugned order is not really going to serve any purpose.

Ultimately, the rights will have to be decided in the civil suits. The impugned order restores the names of one Ayyavu and Angammal W/o.Thangaraj. Ayyavu is the predecessor in title in the petitioner's stream. Since I am relegating the petitioner as well as the fifth respondent to pursue their remedy in the pending suits, no purpose will be served by adjudicating the revision filed by the fifth respondent before the District Revenue Officer. The petitioner questioned the order dated 06.10.2023 before this Court. The fifth respondent assailed the very same order before the second respondent. It cannot be that I relegate the petitioner to go before the civil Court even while I permit the fifth respondent to continue the proceedings. The revision filed by the fifth respondent before the second respondent shall also be terminated. The parties shall work out their remedies and rights in the pending suits. It is stated that the fifth respondent has already raised counter claim in the pending suits. The learned trial Judge shall dispose of the pending suits on merits and in accordance with law within a period of eight months from the date of receipt of a copy of this order. Registry to mark a copy of this order to the learned Sub Judge, Thirumangalam. This writ petition stands



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disposed of. No costs. Consequently, connected miscellaneous petition is

closed.

06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Sub Judge,
Thirumangalam.
2. The Assistant Director,
Town and Country Planning,
Hakim Ajmal Khan Road, Chinna Chokikulam,
Madurai.
3. The District Revenue Officer,
Collector Office, Madurai District.
4. The Revenue Divisional Officer,
Collector Office, Madurai District.
5. The Tahsildar,
Madurai South, Madurai District.



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G.R.SWAMINATHAN,J.

PMU

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