

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.18829 of 2005
and WMP. Nos.20377 & 20378 of 2005**

A. Selvam

... Petitioner

-VS-

1. The District Revenue Officer,
Salem District.

2. The Revenue Divisional Officer,
Mettur, Salem District.

3. The Tahsildar,
Omalur, Omalur Taluk,
Salem District.

4. Jayagandhi

5. The Zonal Deputy Tahsildar (II),
Omalur, Omalur Taluk,
Salem District.

6. Gnanaprakasam

7. Sarasthri

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.7396/04/B1, the 3rd respondent in his proceedings in Na.Ka.No.7396/04/B1 dated 07.04.2005 and quash the same.



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For Petitioner(s) : Mr. C.Prakasam
For Respondent(s) : Mr.G.Velu, AGP RR1 to 3, 5
Mr.S.Mayilnathan
for M/s.P.Shivakumar R7
RR4 & 6 – No appearance

ORDER

This petition has filed seeking to quash the impugned order passed by the third respondent in his proceedings dated 07.04.2005.

2. It is the case of the petitioner that he is the owner of the land situated in S.No.199/1, 201/3 and 201/5 Tharamangalam Village, Omalur Taluk and Salem District to the extent of 1.95.5 hectares and he is in possession of the said lands. In the meanwhile, the 7th respondent has started giving troubles for the possession of the above said land and the 7th respondent changed the UDR patta in her name. Aggrieved over the same, the petitioner preferred appeal before the second respondent and the same was dismissed. Challenging the same, the petitioner has filed appeal before the first respondent and the same was dismissed. Thereafter, the petitioner filed a suit before the Sub court Mettur and the same was decreed in his favour. As against the said order, the 7th respondent filed appeal before the District Court, Salem and the same was dismissed. As against the said order, the 7th respondent filed second appeal before this Court and the same is pending. Without considering the judgment and decree passed by the trial Court, the respondents 3 and 5, vide impugned order dated



07.04.2005, ordered to change the name in the adangal extract. Challenging the

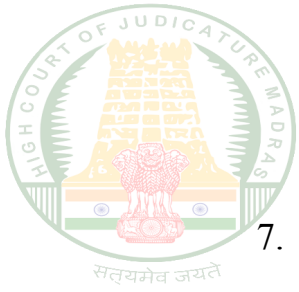
WEB COPY said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that without giving any opportunity to the petitioner, the 3rd respondent has ordered to issue patta in the name of the 7th respondent, which is not sustainable and the same is liable to be quashed.

4. Per contra, the learned Special Government Pleader appearing for the respondents submitted that when a dispute is pending before the concerned forum, the patta issued in the name of the 7th respondent is not correct.

5. The learned counsel for the 7th respondent submitted that only after enquiry and on the basis of oral partition, patta was granted in his favour.

6. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel for the 7th respondent and perused the materials available on record.



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7. When a dispute is pending with regard to the subject matter, the prayer sought for by the petitioner cannot be granted. The 7th respondent has filed a second appeal before this Court in respect of the subject property and the same is pending. Hence, in view of the pendency of the second appeal, the present impugned order is subject to the result of the suit.

8. In the result, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2025

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- To**
1. The District Revenue Officer,
Salem District.
 2. The Revenue Divisional Officer,
Mettur, Salem District.
 3. The Tahsildar,
Omalur, Omalur Taluk,
Salem District.



M.DHANDAPANI, J.

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Index: Yes/No

NCS : Yes/No

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