



W.P.No.4144 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.09.2025

C O R A M

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No.4144 of 2019  
and W.M.P.No.4652 of 2019

S.Karthikeyan

... Petitioner

Vs

1.The District Collector  
Namakkal District  
Namakkal-637 001.

2.The District Revenue Officer  
Namakkal District  
Namakkal -637 001.

3.The Revenue Divisional Officer  
Tiruchengode-637 211  
Namakkal District.

4.The Tahsildar  
Tiruchengode Taluk  
Tiruchengode-637 211  
Namakkal District

5.Revathy

6.Sudhamathi

... Respondents



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**Prayer:** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 3<sup>rd</sup> respondent from effecting changes in the Village and Taluk Accounts such as Chitta, adangal etc. with respect to the natham land measuring 0.0682.0 sq.m. comprised in Natham S.No.584/13, Emapalli Village, Tiruchengode Taluk, Namakkal District till the rival claims of title over the said land put forward by the petitioner and the respondents 5 and 6 herein are finally decided by the Civil Court.

For Petitioner : Mr.M.Tamil Thendral Arasu

For Respondents : Mr.T.M.Rajangam,  
Government Advocate  
for RR-1 to 4

: Mr.Manikandan  
for Mr.R.Marudhachalamurthy  
for RR-5 & 6

### **ORDER**

This Writ Petition has been filed seeking to forbearing the 3<sup>rd</sup> respondent from effecting changes in the revenue records till the title over the subject property is decided by the civil court.

2. It is the case of the petitioner that, originally, natham land comprised in Old.S.No.279/1(New S.No.584/13) measuring to an extent of about 3 cents was assigned to the petitioner's grand father. After the demise his grandfather, the petitioner's parents were in possession and enjoyment of the aforesaid property.



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While so, the 5<sup>th</sup> respondent had obtained patta in respect of the above property by order dated 08.09.2006 which is alleged to have been passed by the natham Special Tahsildar, Tiruchengode. Subsequently, vide order dated 16.11.2012, the 3<sup>rd</sup> respondent herein after conducting enquiry, had cancelled the entries made in the revenue records in respect of the 5<sup>th</sup> respondent as well as the petitioner's mother and ordered removal of their names from the revenue records and directed both of them to establish their title before the Civil Court.

3. Pursuant there to, the 5<sup>th</sup> and 6<sup>th</sup> respondents had filed a suit in O.S.No.2 of 2013 on the file of the Additional District Munsif Court, Tiruchengode against the respondents 1, 3 & 4 seeking declaration of the order dated 16.11.2012 passed by the 3<sup>rd</sup> respondent in which, an ex-parte decree was passed on 21.09.2017 against which, the petitioner had filed an appeal before the Sub Court, Tiruchengode along with I.A.116 of 2018 to condone the delay in filing in the appeal. Pending the appeal, the respondents 5 & 6 once again approached the 3<sup>rd</sup> respondent for mutation of revenue records on the basis of the ex-parte decree based on which, the 3<sup>rd</sup> respondent is taking steps for mutation of revenue records in favour of the 5<sup>th</sup> and 6<sup>th</sup> respondent despite the petitioner having raised his objections for the same. Aggrieved, by which, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.



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4. Learned counsel appearing for the petitioner submitted that the 3<sup>rd</sup> respondent ought not to have conducted enquiry on the petition filed by the respondents 5 & 5 so as to include their names in the revenue records on the basis of the ex-parte judgement and decree passed in O.S.No.2 of 2013 when the petitioner had filed the appeal as against the said judgement and therefore, this Court may restrain the 3<sup>rd</sup> respondent from proceeding with mutation of revenue records in favour of the 5<sup>th</sup> and 6<sup>th</sup> respondent.

5. Per Contra, learned counsel appearing for respondents 5 & 6 submitted that, when the appeal has already been filed against the judgement and decree, filing of Writ Petition before this Court is not sustainable. Accordingly, the prayer sought for in this Writ Petition cannot be acceded to.

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



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7. It is seen from the records that, as against the judgement and decree passed in O.S.No.2 of 2013 on the file of the Additional District Munsif Court, Tiruchengode, the petitioner has already preferred appeal. However, during the pendency of the said appeal, the petitioner has approached this Court by way of the present Writ Petition. When the petitioner has availed and exhausted the appellate remedy, he cannot simultaneously invoke the Writ Jurisdiction. Hence, the petitioner may proceed with the said appeal and cannot ride two horses for the same relief and hence, the prayer sought for in this Writ Petition cannot be acceded to.

8. With the above observation, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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(2/2)

Index : Yes / No  
Speaking Order / Non-speaking order  
Neutral Citation Case : Yes / No

Nhs



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**M.DHANDAPANI, J**

Nhs

To

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