



W.P.(MD)No.6510 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.6510 of 2023
and W.M.P.(MD)Nos.6165 & 6166 of 2023

Natarajan

... Petitioner

/Vs./

1. The District Revenue Officer,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Lalgudi, Trichy District.

3. The Tahsildar,
Lalgudi Taluk,
Trichy District.

4. Vijay Manoharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the record relating to the order passed by the impugned order passed by the first respondent in his proceedings Na.Ka.Aa5/31486/2021 dated 01.02.2023 and quash the same as illegal, consequently directing the first respondent to relegate the fourth respondent to approach the District Munsif, Lalgudi and get a ruling on ownership of the property in O.S.No.30 of 2023.



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For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.C.Satheesh
Government Advocate for R1-3

:Mr.B.E.Ashwin Bal Someshwerar for R4

ORDER

The petitioner challenges the impugned order of the first respondent in Na.Ka.Aa5/31486/2021 dated 01.02.2023 and consequently to direct the first respondent to relegate the fourth respondent to approach the District Munsif, Lalgudi and get a ruling on ownership of the property in O.S.No.30 of 2023, which had been filed by the petitioner.

2. When the writ petition was listed for hearing on 10.02.2025, the learned counsel for the fourth respondent submitted that the said suit in O.S.No.30 of 2023 had been dismissed for non-prosecution and nothing survives for consideration in the writ petition. Since the prayer in the writ petition itself was to relegate the parties to seek relief in the said suit, the learned counsel for the petitioner took time to get instructions, in this regard.



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3. Today (i.e.,24.02.2025), the learned counsel for the petitioner fairly submitted that it is the fact that the suit was dismissed for non prosecution and immediately an application has been moved for setting aside the *exparte* order of dismissal of the suit for non prosecution along with an application for condonation of delay.

4. Considering that the petitioner has sought the relief of Certiorarified Mandamus, to quash the impugned order of the first respondent, granting patta in the name of the fourth respondent's father and to consequently direct the first respondent to relegate the fourth respondent to the Civil Court, especially, O.S.No.30 of 2023, I do not see any scope for granting relief in the present writ petition.

5. The order of the first respondent granting patta in the name of the fourth respondent is passed after conducting enquiry and affording an opportunity to the petitioner to present his version. Sufficient opportunity was given to for the petitioner to produce documents and I find from the impugned order that the parties were also granted time to produce



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documents. However, despite the same, the petitioner has not been able to substantiate his claim before the first respondent and only under such circumstances, the first respondent passed the impugned order, directing the patta to be mutated in the name of the father of the fourth respondent. It is the case of the petitioner himself that the Civil Court alone is competent to go into the title dispute and the first respondent ought not to have passed the impugned order. While so, the petitioner has not been diligent in prosecuting O.S.No.30 of 2023 filed before the District Munsif Court, Lalgudi.

6. Today, admittedly, the suit is not on file and the petitioner has only moved an application for restoring the suit and probably along with a condone delay application.

7. The learned counsel for the fourth respondent fairly submitted that he would have no objection for the suit to be restored to file and the parties be relegated to a full-fledged trial. Considering the fairness of the learned counsel for the fourth respondent, a direction is issued to the District Munsif Court, Lalgudi, to allow the applications filed by the



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petitioner to condone the delay and or restore the suit to file in O.S.No.30 of 2023. Subsequent to the suit being restored to file, the parties shall be given fair opportunity to lead evidence and the suit shall be disposed of within a period of six months, that is on or before 26.09.2025 on merits and in accordance with law, subject to the final decision in the civil suit, it shall be open to the petitioner to seek for appropriate mutation of records.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
NCC : Yes / No
LS

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P.B. BALAJI, J.

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TO:-

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Trichy District, Trichy.
2. The Revenue Divisional Officer,
Lalgudi, Trichy District.
3. The Tahsildar,
Lalgudi Taluk,
Trichy District

Order made in
W.P.(MD)No.6510 of 2023

Dated:
24.02.2025