



W.A(MD) No.963 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.963 of 2025
and
C.M.P.(MD)No.6112 of 2025**

J.Mohan

... Appellant / Writ Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam,
Madurai.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

3.Pushpa

... Respondents / Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 10.03.2025 passed in W.P. (MD)No.24929 of 2024 on the file of this Court.



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For Appellant : Mr.Issac Mohanlal
Senior Counsel
for Mr.Baburajendran

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R1 & R2

: Mr.G.Prabhu Rajadurai
for Mr.K.Muthumalai
for R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. This writ appeal is directed against the order dated 10.03.2025 dismissing W.P.(MD)No.24929 of 2024 filed by the appellant. The appellant got the petition mentioned property measuring about 50 cents from his brother Pradeep Kumar. The appellant traces his title to the sale deed dated 21.02.1963 executed by Thiru.K.Venkatraman in favour of Muthammal & Mariammal. It is also seen that patta was standing in the name of the appellant for more than 10 years. This was cancelled at the instance of the private respondent herein by the RDO, Thirumangalam

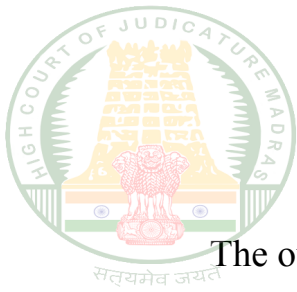


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vide order dated 20.09.2024. Questioning the same, the appellant filed the aforesaid writ petition but the same was dismissed. During the pendency of these proceedings, the third respondent herein had alienated the property in favour of one Gurusamy on 18.03.2025.

3. After hearing both sides at length, we suggested that the appellant can move the jurisdictional civil Court for establishing his claim and if the appellant is agreeable to do so, we would be inclined to put the third respondent as well as the subsequent purchaser on terms.

4. The learned senior counsel on instructions from the counsel on record stated that the appellant will file an appropriate civil suit before the jurisdictional civil Court within a period of four weeks from the date of receipt of a copy of this order. Since the appellant has undertaken to move the civil Court, we restrain the third respondent as well as the subsequent purchaser Thiru.Gurusamy from alienating or encumbering the petition mentioned property in any manner. As on date, the property remains vacant. Of-course, there is a compound wall along with an electricity service connection. No further construction shall be put up till the conclusion of the civil suit to be instituted by the appellant. The civil Court will decide the matter based on the evidence adduced before it.



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The outcome of this proceedings will not be put against the appellant.

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5. To be precise, the order of the RDO impugned in W.P.(MD)No. 24929 of 2024 will not be taken note of by the civil Court. It is made clear that the directions now given will hold good till the disposal of the suit. The parties on either side including the subsequent purchaser Gurusamy undertake to extend their fullest co-operation for speedy disposal of the suit. The proposed defendants undertake to enter appearance even without waiting for summons. We request the learned trial Judge to dispose of the suit on merits and in accordance with law within a period of 12 months after it is taken on file.

6. The Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
25.06.2025

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G.R.SWAMINATHAN, J.

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K.RAJASEKAR, J.

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