



W.P.(MD)No.16863 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.16863 of 2019

S.Mohammed Sehu Alaudeen

... Petitioner

Vs.

1.The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The District Revenue Officer,
DRO Office,
Ramanathapuram.

3.The Tahsildar,
Keelakarai,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 2nd respondent in Pa.Mu.P6/31488/2015 dt.24.08.2018 over the proceedings in Patta No.2095 and quash the same.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader



W.P.(MD)No.16863 of 2019

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ORDER

The petitioner challenges the order of the 2nd respondent, dated 24.08.2018 concerning patta no.2095.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and I have gone through the records including the order impugned in the present writ petition.

3. The 2nd respondent in and by the impugned order has directed the parties to approach the competent Civil Court, especially considering the fact that there is a pending suit in O.S.No.29 of 2017, pending on the file of the Principal District Court, Ramanathapuram. I do not see any perversity or illegality in the said finding rendered by the 2nd respondent directing the parties to workout their remedy before the competent Civil Court, considering the pendency of the suit before the Principal District Court. The learned counsel for the petitioner would however submit that the suit has been pending from 2017 and therefore, the authorities cannot cite the pendency of the suit to deny the legitimate request of the writ petitioner.



W.P.(MD)No.16863 of 2019

4. Be that as it may, when a competent Civil Court is dealing with the suit for declaration, and injunction, it would be proper for the revenue authorities to await the final decision of the competent Civil Court before mutating revenue records. However, as rightly contended by the learned counsel for the petitioner, the suit is pending right from the year 2017 onwards and therefore, it would be proper to direct the Principal District Court, Ramanathapuram to dispose of the pending suit in O.S.No.29 of 2017 on or before 30.06.2025. Subject to the final decision in O.S.No.29 of 2017, the petitioner shall be at liberty to approach the revenue authorities for necessary mutation.

5. With the above direction, this Writ Petition stands disposed of. No costs.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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W.P.(MD)No.16863 of 2019

P.B.BALAJI, J.

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To:

- 1.The Secretary,
Department of Revenue,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The District Revenue Officer,
DRO Office,
Ramanathapuram.
- 3.The Tahsildar,
Keelakarai,
Ramanathapuram.
- 4.The Principal District Court,
Ramanathapuram.

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