



W.P.(MD) No.17922 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.17922 of 2025

and

W.M.P(MD)Nos.13719 and 13721 of 2025

S.Shanmugavvel

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathur, Virudhunagar District.

2.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

3.G.Rajendran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records pursuant to the impugned notice in Na.Ka.A3/6866/2024 dated 04.06.2025 issued by the Revenue Divisional Officer, Sathur, the respondent No.1 herein quash the same as being without jurisdiction, illegal and in violation of the established principles of law.



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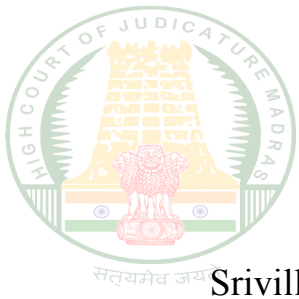
W.P.(MD) No.17922 of 2025

For Petitioner : Mr.Y.Prakash
For R1 and R2 : Mr.M.Gangatharan
Government Advocate
For R3 : Mr.V.Balaji

ORDER

The writ petition is filed challenging the notice issued by the first respondent, calling the petitioner for enquiry in an appeal filed by the third respondent, for rejecting his application seeking transfer of patta by the second respondent.

2. It is the case of the petitioner that he is the agreement holder in respect of the property situated in S.No.389 and 390/2 in Gopalapuram Village, Rajapalayam Panchayat Union, Vembakottai Taluk, Virudhunagar District. The property belong to Kandavel, Subadra Janaki and Jayakumar. The petitioner entered into an agreement with the original owners of the property on 18.08.2017. Thereafter, according to the petitioner violating the terms of the agreement, the original owner sold the property to the third respondent on 06.08.2021. After acquiring knowledge about the subsequent sale, the petitioner filed a suit in O.S.No.121 of 2021 on the file of the Principal District Court,



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Srivilliputhur, against the original owner of the property / agreement vendor and the third respondent/ subsequent purchaser. The said suit is pending. In the meantime, the third respondent filed an application before the second respondent, seeking mutation of revenue records based on the registered sale deed dated 06.08.2021. The second respondent rejected the application of the third respondent and aggrieved by the same, he filed an appeal before the first respondent. In the appeal, impugned notice has been issued to the petitioner calling for enquiry. Aggrieved by the same, the petitioner has come before this Court.

3. Learned counsel for the petitioner would submit that when the suit for specific performance against the original owners and the third respondent, is pending before the civil Court, the official respondents are not entitled to mutate the revenue records.

4. Learned counsel for the third respondent would submit that the third respondent purchased the property under registered sale deed from its original owners and the petitioner is only an agreement holder, therefore he is not entitled to mutation of revenue records.



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5. Admittedly, the suit filed by the petitioner against the agreement vendors and the third respondent is pending on the file of the learned Principal District Judge, Srivilliputhur. In these circumstances, it is for the petitioner to work out his remedy against the agreement vendor and the third respondent, by filing appropriate application, seeking interim orders in the pending suit. Notice issued by the first respondent in the appeal filed by the third respondent, cannot be quashed at this stage, when there is no prohibitory orders by the civil courts.

6. Accordingly, this Writ Petition is dismissed, with a liberty to the petitioner to work out his remedy in the pending civil litigation. Consequently, connected miscellaneous petitions are closed. No costs.

03.07.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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S. SOUNTHAR, J.

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