

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WP.No.28196/2015

Ramesh

: Petitioner

-Vs-

1.The Revenue Divisional Officer
O/o.the Revenue Tahsildar
Thittakudi.

2.Kanmani

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 29.09.2014 in accordance with law.

For Petitioner : Mr.M.Vel Murugan

For R 1 : Mr.R.Digvijay Pandian, AGP

O R D E R

It appears that earlier, the writ petitioner has filed a writ petition in WP.No.2542/2012 and by the order dated 07.04.2014, this Court has disposed of the said writ petition in the following manner:-

"By consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.By the order impugned in this writ petition, patta granted in favour of the petitioners was cancelled. Admittedly, there is a civil suit pending between the parties on the one hand and the respondent No.4 on the other hand in OS.No.230/2009 on the file of the District Munsif Court, Thittakudi and the relief sought in the said suit is declaration. It is settled proposition of law that patta is not a document of title. It is also not in dispute that the suit is still pending consideration before the jurisdictional civil court.

3.In such view of the matter, the writ petition is disposed of with the observation that

the civil court will have to proceed with the issue, without taking note of the patta issued. Further, it is made clear that based upon the finality reached in the civil proceedings, the parties, viz., the petitioner and the fourth respondent are at liberty to approach the Revenue Authorities for appropriate orders. No costs. Connected miscellaneous petition is closed."

2. Thereafter, the 4th respondent in the said writ petition is said to have died and consequently, the patta was transferred in the name of the 2nd respondent herein. It appears that she has also filed an application to implead herself as a party in the pending suit. Seeking to cancel the transfer of patta effected in favour of the 2nd respondent, the petitioner has sent a legal notice followed by a representation. On the refusal of the 1st respondent to consider the same, the present writ petition has been filed.

3. The 2nd respondent herein merely steps into the shoes of the then 4th respondent in WP.No.2542/2012. Thus, the order passed by this Court on 07.04.2014 would be applicable to the 2nd respondent herein by the operation of law. Therefore, the prayer sought for by the petitioner cannot be considered. Suffice it to reiterate that the reasoning given in the earlier writ petition would continue to hold good.

4. With the above observation, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

The Revenue Divisional Officer
O/o. the Revenue Tahsildar
Thittakudi.

+ 1 cc to Mr.M. Velumurugan, Advocate SR.48807

W.P.No.28196/2015

AP (CO)
EU 24.09.15