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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1365 of 2015

Subbu Lakshmi

... Appellant

Vs.

1.Balaiah Konar

2.The Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.

3.The Tahsildar,
Sankarankoil Taluk,
Sankarankoil,
Tirunelveli District.

... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.04.2013 made in W.P.(MD)No.8860 of 2007.

Prayer in WP(MD). 8860/ 2007 :

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call, for the records, pertaining to the impugned order Na.Ka.No. A3/1776/2005 dated 01/02/2006 passed by the first respondent and quash the same as illegal and direct the first and second respondents, to retain the petitioner's name as pattadar for 0.17.0 Hectares in (**) S.No. 273/3B, in patta No. 1143, Veerasingamani revenue village in Sankarankovil Taluk, Tirunelveli district.

For Appellant : Mr.A.Haja Mohideen

For 1st Respondent : Mr.F.X.Eugene

For Respondents 2&3 : Mr.M.Alagadevan,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by **V.RAMASUBRAMANIAN, J**)

This appeal arises out of an order passed by the learned Judge in a writ petition filed by the first respondent herein setting aside the patta granted in favour of the appellant herein and restoring the name of the first respondent in the revenue records.



2. Heard Mr.A.Hajamohideen, learned counsel for the appellant. Mr.F.X.Eugene, learned counsel takes notice for the first respondent and Mr.M.Alagadeven, learned Special Government Pleader takes notice for the second respondent.

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3. The first respondent already filed a civil suit and got a decree. Though it was an *ex-parte* decree, the appellant filed a first appeal and got it to be dismissed for non prosecution. Subsequently, it stands restored. Therefore, we find nothing wrong in the order of the learned Judge. Hence, the appeal is dismissed. However, if ever, the appellant conducts the case, with due diligence and also succeeds, the revenue records shall undergo a mutation once again as per the judgment of the Civil Court. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

sms

To

1. The Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.

2. The Tahsildar,
Sankarankoil Taluk,
Sankarankoil,
Tirunelveli District.

+1CC to Mr.A.Haja Mohideen Advocate Sr.No.71752

+1CC to Mr.F.X.Eugene Advocate Sr.No.71757

+1CC to Spl.Government Pleader Sr.No.71971

GJM/NGM/SS/31.12.2015-2P-6C

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