



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1369 of 2015
and
M.P (MD) No.1 of 2015

Joice ... Appellant/Petitioner.

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Vilavancode,
Kanyakumari District.

3.P.Murukaiah @ P.Murugian ... Respondents/Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 26.11.2015 made in W.P.(MD)No.12868 of 2015.

Prayer in WP(MD). 12868/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent herein in E2/12120/2015, dated 21.07.2015 and quash the same and direct the respondents and their subordinate not to interfere in the land which is the subject matter of a pending civil suit in O.S.No.98 of 2009 on the file of the Sub Court, Padmanabhapuram .

For Appellant	: Mr.C.Sankar Prakash
For Respondents 1&2	: Mr.M.Alagadevan, Special Government Pleader.
For 3 rd Respondent	: Mr.K.N.Thampi

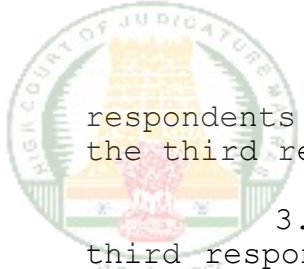
JUDGMENT

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

The writ petition filed by the appellant challenging a notice of enquiry issued by the Tahsildar in patta proceedings, having been dismissed by the learned Judge, he has come up with the above appeal.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.C.Sankar Prakash, learned counsel for the appellant.
Mr.M.Alagadevan, learned Special Government Pleader takes notice for the



respondents 1 and 2 and Mr.K.N.Thampi, learned counsel takes notice for the third respondent.

3.In the first round of litigation between the appellant and the third respondent, the third respondent succeeded in all the three Courts namely, the trial Court, the 1st Appellate Court and this Court. Thereafter, the appellant started a fresh litigation in O.S.No.98 of 2009. On the basis of the fresh litigation so started as a second round, the appellant wanted the patta proceedings to be stalled.

3.What is worse is that the appellant neither impleaded the third respondent in the writ petition nor disclosed the fate of the previous proceedings. Therefore, the remedy under Article 226 of the Constitution being the discretionary remedy, the learned Judge has thrown out the writ petition on the ground of suppression of facts. The order was perfectly justified and hence, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Vilavancode,
Kanyakumari District.

+1CC to Mr.K.N.Thambi, Advocate, SR.No. 72011

+1CC to The Special Government Pleader SR.No. 72356

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AM/31.12.2015/NGM.SS/2P/5C