



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.06.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD) .No.6425 of 2014

A.Inbakoothan

... Petitioner

Vs

1.The District Revenue Officer,
Kokkirakulam, Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.

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

4.K.Selvaraj

5.K.Mahendran

... Respondents

(5th respondent is removed from the cause
title on the basis of the memo dated
30.03.2015 vide court dated 02.06.2015)

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in his proceedings Aa2/RP No.12/10 dated 25.07.2011 and quash the same.

For petitioner : Mr.S.Meenakshi Sundaram

For R.1 to 3 : Mr.S.Chandrasekar

Govt.Advocate

For R.4 : Mr.S.Pon Senthil Kumaran

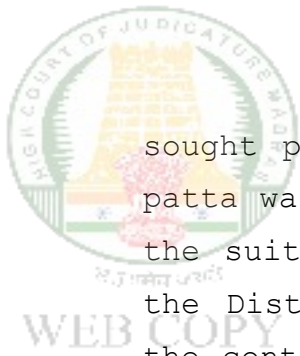
For R.5 : No representation

ORDER

This Writ Petition has been filed praying for a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in his proceedings Aa2/RP No.12/10 dated 25.07.2011 and quash the same, whereby, the claim for grant of patta was rejected by the first respondent.

2. The petitioner herein claims to have purchased the

property in Survey No.136A/1 measruing 4.2 acres, for which, he



sought patta from the revenue authorities. That claim for grant of patta was rejected by the revenue authority on two grounds. Firstly, the suit relating to the property in question, filed on the file of the District Munsif Court, Nanguneri, in O.S.No.87 of 2007, wherein the contesting respondent K.Selvaraj, the fourth respondent is also a party, said to be pending. Yet another ground for rejection is that CRP.No.1285 of 2008 and CRP.No.2305 of 2010 are pending before this Court, wherein, the Writ Petitioner was also arrayed as one among the parties. Citing those two reasons, the claim was rejected by the authorities. Hence, the petitioner has come forward with this Writ Petition.

3. At the time of arguments, the learned Counsel for the petitioner drew the attention of this Court through the typed set of paper at Page No.8, that the said Selvaraj was set *ex parte* as early as in the year 12.10.2007. Added further, the Civil Revision Petitions which are said to be pending filed by one Packiyaraj relating to the issue in question were also dismissed by this Court on 06.04.2015. Therefore, he prayed for allowing this Writ Petition.

4. The learned Counsel for the fourth respondent would submit that the matter may be remitted back to the authorities concerned for fresh consideration.

Heard both sides.

5. It is true that as stated by the first respondent the suit in O.S.No.87 of 2007, on the file of the District Munsif Court, Nanguneri, and CRP.Nos.1285 of 2008 and CRP.No.2305 of 2010 relating to issue on hand were pending at the time of passing the impugned order. However, as far as the suit concerned, the said Selvaraj remained *ex parte* way back in the year 2007. He did not take any steps either to set aside the *ex parte* decree or prosecuted further. When that being so, the real owner cannot be put to peril citing that the suit is pending on the file of the District Munsif Court, Nanguneri. As far as the second ground on which rejection is made that Civil Revision Petitions are pending before this Court will also no legs to stand, as they were dismissed by this Court on 06.04.2015. Therefore, there may not be much impediment for the first respondent to consider the claim of the petitioner.



6. In the light of the above, the order impugned in this Writ Petition stands set aside and the matter is remitted back to the first respondent for passing fresh orders on the basis of the development that had taken place subsequent to passing of the impugned order. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (AE)

\\True copy\\

Sub Assistant Registrar

To

- 1.The District Revenue Officer,
Kokkirakulam, Tirunelveli District.
- 2.The Revenue Divisional Officer,
Cheranmahadevi, Tirunelveli District.
- 3.The Tahsildar,
Nanguneri Taluk, Nanguneri,
Tirunelveli District.

+1cc to Mr.S.Pon Senthil Kumaran, Advocate Sr.No.31608
+1cc to Mr.S.Meenakshi Sundaram, Advocate Sr.No.31596

Ssm
akm/26.06.15 /3p-6c/

W.P (MD) .No.6425 of 2014

17.06.2015