



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.9447 of 2015

WEB COPY

N.Muthiah

: Petitioner

Vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Office of the District Collectorate,
Theni District.
- 3.The Revenue Divisional Officer,
Revenue Department,
Theni Taluk, Theni District, Theni.
- 4.The Tahsildar,
Revenue Department,
Theni Taluk, Theni District, Theni.
- 5.The Village Administrative Officer,
Poomalaikundu Village, Theni Taluk
- 6.G.Krishnammal
- 7.K.Andavar
- 8.K.Marimuthu
- 9.K.Ganapthy Thevar

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the fourth respondent culminating in the impugned order in Na.Ka.No.3203/2015/A3 dated 25.05.2015 and quash the same and consequently directing the respondents 1 to 5 to issue an individual patta by cancelling the joint patta No.2258 by removing the names of the 6 to 9 respondents.

For Petitioner : Mr.M.Ramasamy

For R.1 to 5 : Mr.S.Chandrasekar
Government Advocate

For R.6 to 9 : Mr.Natarajan

ORDER

The petitioner has come forward with this Writ Petition seeking for a Writ of Certiorarified Mandamus to call for the records of the fourth respondent culminating in the impugned order in Na.Ka.No.3203/2015/A3 dated 25.05.2015 and quash the same and consequently directing the respondents 1 to 5 to issue an individual patta by cancelling the joint patta No.2258 by removing the names of the 6 to 9 respondents. By the impugned order dated 25.05.2015, the fourth respondent had stated that since there was a caveat petition pending on



the file of the District Munsif, Theni, he could not pass any orders for the issuance of separate patta to the petitioner.

2. The learned Counsel for the petitioner would submit that there may not be any impediment for the respondents to consider the claim of the petitioner after affording opportunities to all the parties concerned, to which, the learned Counsel appearing for the respondents 6 to 9 have no objection. The learned Govt. Advocate was also put on notice.

3. Admittedly, the petitioner has arrayed all the private respondents as parties in this Writ Petition and he wants the authority concerned to pass order after the rival claims are put on notice. Hence, the caveat petition said to be filed will not be a hurdle to the respondents herein to pass appropriate orders. Accordingly, the order impugned in this Writ Petition stands set aside. However, since the issue involved is for the issuance of separate patta to the petitioner by removing the names of private respondents and admittedly, a suit is also pending in this regard, the fourth respondent is directed to provide an opportunity of hearing to the petitioner, the private respondents herein as well as any of the interested parties and hear them in detail and pass appropriate orders on merits and law, within a period of four weeks from the date of receipt of a copy of this order. While passing orders, the fourth respondent is directed to take note of the civil suit pending between the parties.

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

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,Theni District, Theni.

2.The District Revenue Officer,
Office of the District Collectorate,Theni District.

3.The Revenue Divisional Officer,
Revenue Department,Theni Taluk, Theni District, Theni.

4.The Tahsildar, Revenue Department,
Theni Taluk, Theni District, Theni.

5.The Village Administrative Officer,
Poomalaikundu Village, Theni Taluk
+1cc to MR.M.Ramasamy,Advocate SR.No.37502
+1cc to Special Govt.Pleader SR.No.38048

ORDER MADE IN
W.P(MD)No.9447 of 2015
DATED : 09.07.2015