



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.561 of 2017

WEB COPY

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

: Appellants / Respondents

Vs.

M.Panchanathan

: Respondent / Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 01.02.2013 made in W.P.(MD).No.1177 of 2012, on the file of this Court.

Prayer in WP(MD). 1177/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the 2nd Respondent to implement the order of I.T. C.M.A.No.1 of 2009, dated 20-11-2009, Sub Court, Pudukkottai granting the Petitioner's Patta.

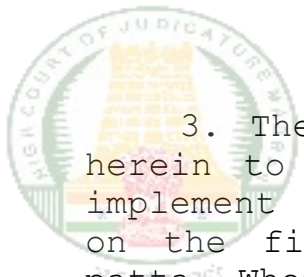
For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader
For Respondent : Mr.N.Balakrishnan

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.N.Balakrishnan, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. The Writ Appeal is directed against the order dated 01.02.2013 made in W.P.(MD).No.1177 of 2012.



3. The said Writ Petition was filed by the first respondent herein to issue a Writ of Mandamus to direct the appellants to implement the order in I.T.C.M.A.No.1 of 2009, dated 20.11.2009, on the file of the Sub Court, Pudukkottai and grant separate patta. When the Writ Petition was heard, the appellants submitted that they have challenged the said order by filing Revision Petition before this Court in C.R.P(MD) (SR)No.230106 of 2011. The Writ Court took into consideration the fact that the Sub Court, Pudukkottai, allowed the appeal filed by the respondent herein on 20.11.2009 and for almost three years, the appellants have not taken any steps to number the Civil Revision Petition and therefore, allowed the Writ Petition, by directing the appellants to implement the order passed by the Sub Court, Pudukkottai, within a time frame and made it clear that in the event of succeeding in further proceedings against the order in T.C.M.A.No.1 of 2009, dated 20.11.2009, the appellants are at liberty to cancel the patta. Today, before us, the position is no different. The appellants are yet to obtain any order in the said Civil Revision Petition stated to have been filed by them.

4. In fact, the Writ Court noted that the Civil Revision Petition was in SR stage and it was returned by the Registry and was not re-presented till the date, when the Writ Petition was disposed of, i.e., on 01.02.2013. Even today, there is nothing on record to show that the Civil Revision Petition has been numbered. Therefore, we find that the order passed by the Writ Court calls for no interference, as the interest of the appellants has been fully safeguarded in Paragraph No.8 of the order passed in the Writ Petition Hence, the Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

NB

PSM/GT/SAR2//21.06.2017/2P/3C

JUDGMENT MADE IN
W.A. [MD] .No.561 of 2017
02.06.2017