



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

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

WEB COPY

W.P (MD) No.18666 of 2017

and

W.M.P (MD) No.15039 of 2017

Sivakamiammal

.. Petitioner

Vs.

1. The District Revenue Officer,
Pudukottai.

2. R.Ramasamy @ Bandari Natham

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent in Ni.Mu.A3/15816/2012, dated 15.03.2016 and quash the same as illegal.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondent No.2 : Mr.S.C.Herold Singh

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus, to quash the impugned order, dated 15.03.2016, passed in Ni.Mu.A3/15816/2012, by the first respondent.

2.The case of the petitioner is that she purchased the property admeasuring 0.03.5 Ares comprised in S.F.No.811/3, Maravamadurai Village, Thirumayam Taluk and one Subramanian purchased the property admeasuring 0.02.0 Ares comprised in S.F.No.811/2 and the land admeasuring 0.01.5 Ares comprised in S.F.No.811/4 is classified as Kaman Temple. Since the second respondent interfered with her peaceful possession and enjoyment over S.F.No.811/3 and 811/4, she filed a suit in O.S.No.52 of 2012 on the file of the District Munsif cum Judicial Magistrate's Court, Thirumayam, for the relief of permanent injunction, wherein an order of interim injunction was granted in respect of the cattle shed admeasuring 1325 square feet, out of 3,567 square feet, comprised in S.F.No.811/3. While so, the second respondent



preferred a petition before the first respondent, upon which, the first respondent has erroneously cancelled the patta granted in favour of the petitioner as well as the said Subramanian, vide, impugned order dated 15.03.2016. Therefore, the petitioner is before this Court with the aforesaid prayer.

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3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as second respondent mutually agreed to have the matter settled in the pending suit in O.S.No.52 of 2012 on the file of the District Munsif cum Judicial Magistrate's Court, Thirumayam.

4.Recording the same, the writ petition is disposed of, leaving it open to the petitioner as well as second respondent, to agitate the matter before the District Munsif cum Judicial Magistrate's Court, Thirumayam, in the pending suit in O.S.No.52 of 2012. It is also directed that status-quo to be maintained till the disposal of the said suit. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Revenue Officer,
Pudukottai.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.88933
+1cc to The Spl.Government Pleader Sr.No.89632

SMN

VB/MR/KKR/SAR3/07/12/2017/2P/4C

ORDER MADE IN
W.P (MD) No.18666 of 2017
and
W.M.P (MD) No.15039 of 2017
23.11.2017