



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2017

CORAM:

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

W.P (MD) No.12992 of 2016

and

W.M.P (MD) No.9805 and 9806 of 2016

P.Mahalakshmi

.. Petitioner

Vs.

1. The Sub Collector,
O/o.the Sub Collector,
Beach Road, Thoothukudi District.
2. The District Revenue Officer,
O/o.the District Revenue Officer,
Thoothukudi District.
3. The Tahsildar,
Taluk Office,
Thoothukudi District.
4. The Sub Registrar,
Sub Registrar Office,
Pudukottai, Thoothukudi District.

5.C.Chandra

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records pertaining to the Impugned Order in Pa.Mu.(A1)/3932/2014 dated 26.05.2016 on the file of the first respondent and quash the same illegal and consequently direct the first respondent to remove the name of the fifth respondent from the Patta No.1701 in Survey No.219/1B3A in an extent of 02.21.50 hectares situated at Maravanmadam Village, Thoothukudi District, within the time stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents 1 to 4

: Mr.J.Gunaseelan Muthaiah,
Government Advocate.

For Respondent No.5

: Mr.S.Meenakshisundaram
Senior Counsel for Mr.K.Karthick

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the impugned order in Pa.Mu.(A1)/3932/2014, dated 26.05.2016, passed by the first respondent and also direct the first respondent to remove the name of the fifth respondent from Patta No.1701, in respect of the property, admeasuring 02.21.50 hectares, situates in Survey No.219/1B3A, Maravanmadam Village, Thoothukudi District, within the stipulated time as fixed by this Court.

2.Heard both sides.

3.The case of the petitioner is that she and her two sisters purchased the petition mentioned property and in the patta issued by the third respondent, the name of the husband of the fifth respondent, has also been inadvertently mentioned and therefore, she made a petition before the third respondent, upon which, the third respondent, removed his name in the said patta. Against which, the fifth respondent filed an appeal before the first respondent and the first respondent, vide impugned order, dated 26.05.2016, set aside the order of the third respondent and also included the name of her husband. Therefore, the petitioner is before this Court with the aforesaid prayer.

4.Today, when the matter is taken up for hearing, the learned senior counsel appearing for the fifth respondent would submit that subsequent to the filing of the writ petition, a further revision came to be filed before the second respondent, in No.13593 of 2016 and the same is pending.

5.Recording the same, this writ petition stands disposed of, leaving it open to the parties to agitate their legal rights in respect of the petition mentioned property, before the second respondent, who shall pass appropriate orders in the revision on its own merit and in accordance with law, after affording due opportunity of hearing to the respective parties. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Collector,
O/o.the Sub Collector,
Beach Road, Thoothukudi District.



2. The District Revenue Officer,
O/o.the District Revenue Officer,
Thoothukudi District.

3. The Tahsildar,
Taluk Office,
Thoothukudi District.

4. The Sub Registrar,
Sub Registrar Office,
Pudukottai, Thoothukudi District.

+ 1 cc TO Mr.K.Karthick , Advocate in SR No. 88784
+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 88600
+ 1 cc TO The Special Government Pleader in SR No. 88652

smn

AE/SKN RSK/SAR1/07.12.2017/3P/8C

ORDER MADE IN
W.P(MD)No.12992 of 2016
and
W.M.P(MD)No.9805 and 9806 of 2016
21.11.2017