



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No. 8769 of 2017

and

W.M.P. (MD) Nos. 6720 and 6721 of 2017

Pankajavalli

: Petitioner

-Vs-

1. The District Collector,
Karur District,
Karur.

2. The Revenue Divisional Officer,
Karur District,
Karur.

3. The Thasildar,
Karur District,
Karur.

4. T.Vaiyapuri
5. T.Karthikeyan
6. Murugaiyan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, by calling for the records, pertaining to the impugned order passed by the 2nd respondent herein in Na.Ka.No.A2/1324/2009, dated 19.03.2017, and quash the same.

For Petitioner

: Mr.G.R.Swaminathan,
For Mr.G.Mohankumar

For Respondents 1to 3

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader**O R D E R**

The petitioner has come forward with the present Writ Petition seeking for the issuance of a Writ of Certiorari, to call for the records, pertaining to the impugned order passed by the second respondent herein in Na.Ka.No.A2/1324/2009, dated 19.03.2017, and quash the same.



2. It is seen that the dispute is with regard to the issuance of patta in respect of the land in Survey No.2094/A in Aandaankovil East Village. Earlier, there were two rival claimants, namely T.Vaiyapuri and T.Karthikeyan on one side and Murugaiyan on the other. Murugaiyan's name was entered in the patta, aggrieved by which, T.Vaiyapuri and T.Karthikeyan filed W.P.(MD) No.2025 of 2009 alleging that the authorities had included Murugaiyan's name without hearing them. W.P.(MD)No.2025 of 2009 was allowed by this Court on 01.11.2016 with the following order:

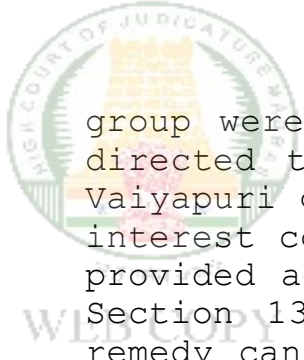
"10. In the result, the Writ Petition is allowed and consequently, the impugned order of the first respondent, dated 25.02.2009, is hereby set aside. The matter is remitted back to the first respondent to conduct enquiry in accordance with law after affording an opportunity to both the sides to present their case in the personal hearing and to decide it afresh. Such exercise shall be completed within a period of twelve weeks from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed."

3. Pursuant to the order passed by this Court, the second respondent herein conducted a fresh enquiry and has passed orders in favour of T.Vaiyapuri and T.Karthikeyan, challenging which, Pankajavalli is before this Court.

4. Heard Mr.G.R.Swaminathan, learned counsel for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3.

5. Mr.G.R.Swaminathan, learned counsel for the petitioner contended that during the pendency of the dispute between Murugaiyan and Vaiyapuri group, Murugaiyan had sold the property to Pankajavalli and, therefore, Pankajavalli should have been heard by the Revenue Divisional Officer in the patta proceedings. He also brought to the notice of this Court that during the enquiry by the Revenue Divisional Officer, Murugaiyan has clearly told the Revenue Divisional Officer that he has sold the property to Pankajavalli and that he has no further interest in the property and that he also does not have any documents. Having made such a representation, it was incumbent on the Revenue Divisional Officer to have issued notice to Pankajavalli.

6. There seems to be reasonable force in the submission of Mr.G.R.Swaminathan, learned counsel for the petitioner. But, however, on a reading of the order passed by this Court in W.P. (MD)No.2025 of 2009, in which, Vaiyapuri group and Murugaiyan



group were heard by this Court, it is seen that this Court had directed the Revenue Divisional Officer to issue notice only to Vaiyapuri group and Murugaiyan group. Of course, when third party interest comes, that cannot be ignored. However, there is revision provided against this order to the District Revenue Officer under Section 13 of the Tamil Nadu Patta Pass Book Act, 1983, which remedy can be availed of by Pankajavalli herself. Therefore, this Writ Petition is closed with liberty to Pankajavalli to file a revision to the District Revenue Officer against the impugned order dated 19.03.2017 passed by the second respondent, within two weeks from the date of receipt of a copy of this order. In the meantime, the respondents 1, 2 and 3 shall not cause any mutation in the revenue records. In the event of Pankajavalli failing to file the revision within two weeks as stated above, the interim order granted above shall stand automatically vacated. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District,
Karur.
2. The Revenue Divisional Officer,
Karur District,
Karur.
3. The Thasildar,
Karur District,
Karur.

+ 1 CC TO Mr.G.MOHANKUMAR, ADVOCATE IN SR No. 55573
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55781

GNS/SML

TE/SV/SAR-IV : 05/05/2017 : 3P/6C

Order made in
W.P. (MD) No. 8769 of 2017 and
W.M.P. (MD) Nos. 6720 and 6721 of 2017
Dated: 04.05.2017