



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.11342 of 2013

and

M.P (MD) Nos.1,2 and 3 of 2013

and

M.P (MD) No.1 of 2015

V.Karuppaiah

..Petitioner

Vs

1. The District Collector,
Sivagangai.
2. The District Revenue Officer,
Sivagangai.
3. The Tahsildar,
Karaikudi,
Sivagangai District
4. The Superintendent of Police,
Sivagangai District,
Sivagangai.
5. The Inspector of Police,
Nachairpuram Police Station,
Nachiarpuram,
Sivagangai District.

6.S.Kalimuthu

7.S.Saroja

8.Selvanayagi

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent's impugned order in Pa.Mu.Pi.4-26303-2012, dated 4.3.2012 and to quash the same as illegal and consequently to direct the second respondent to restore the patta in favour of the Petitioner.



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For Petitioner : M/s.P.Ganapathi Subramanian

For Respondents : Mr.A.Muthukaruppan
1 to 5 Addl. Government Pleader

For Respondents M/s.R.Murugaboopathy
6 to 8

ORDER

Challenging the order of the second respondent, dated 4.3.2012, the Petitioner has filed the present Writ Petition.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel for the Petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 to 5 and Mr.R.Murugaboopathy, learned counsel appearing for the respondents 6 to 8 and perused the materials placed before this Court.

3.The second respondent by the impugned order, transferred the patta which was standing in the name of the Petitioner to the name of the respondents 6 to 8. Subsequently, the Petitioner filed a suit in O.S.No.69 of 2013, before the Additional District Munsif court, Karaikudi, claiming right over the property.

4.The learned counsel appearing for the respondents 6 to 8 would submit that the property in dispute is an ancestral property of the respondents 6 to 8 and the Petitioner after filing the suit, has filed the present Writ Petition and the right of the Petitioner over the said property could only be decided by the above said Civil Court in O.S.No.69 of 2013.

5.In view of the above fact,this Court finds no merit in the Writ Petition and accordingly, the Writ Petition stands dismissed, with liberty to the Petitioner to approach the Revenue Authorities, after the disposal of the suit. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

<https://hs-services.ecourt.gov.in/hs-services/>
To, District Collector,
Sivagangai.



2. The District Revenue Officer,
Sivagangai.

3. The Tahsildar,
Karaikudi,
Sivagangai District

4. The Superintendent of Police,
Sivagangai District,
Sivagangai.

5. The Inspector of Police,
Nachairpuram Police Station,
Nachiarapuram,
Sivagangai District.

+1 cc to MR.R.Murugaboopathy , Advocate in SR.No. 76749

vsn

AE/MR KKR/SAR2/25.09.2017/3P/7C

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and
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