



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22775 of 2019

and

W.M.P(MD)No.19530 of 2019

WEB COPY

K.Chandrasekaran

... Petitioner

Vs.

The Tahsildar,
O/o.The Tahsildar,
Karur,
Karur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent herein in his proceedings in Na.Ka.No.A4/0425/2019 dated 16.09.2019 and quash the same as illegal and further direct the respondent herein to issue separate patta in respect of Ayan punja land in Survey No.470 to an extent of 1 acre ½ cents situated at Velliyanai Village, Karur District within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali
For Mr.D. Nallathambi
For Respondent : Mr.K.Mu.Muthu,
Additional Government Pleader.

ORDER

Mr.S.Vashik Ali, learned counsel on record for writ petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader on behalf of sole respondent are before this Court.

2.Read this in conjunction with and in continuation of earlier proceedings of this Court dated 25.10.2019 which reads as follows:

'Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of sole respondent.

2. It is the case of the writ petitioner that the sole respondent has relegated writ petitioner to a civil suit, notwithstanding a civil suit which has been confirmed in a regular first appeal and second appeal by this Court with regard to the same property.

3. Learned State counsel shall get instructions. The respondent shall also remain present in person in this Court in the next



listing to assist the learned State counsel with all records.

4. List on **19.11.2019.**'

3. Today, sole respondent is present in Court with records. On instructions, learned State Counsel submits that the predecessor incumbent of respondent office who passed order 'dated 16.09.2019 bearing Reference Na.Ka.No.A4/0425/2019' (hereinafter referred to as 'impugned order' for brevity) is now under suspension. To be noted, this impugned order has been made by sole respondent pursuant to a directive of a Hon'ble Single Judge of this Court vide order dated 25.02.2019 made in W.P(MD)No.2723 of 2019.

4. Be that as it may, there is nothing in the records to explain why representation of writ petitioner dated 06.08.2018 (which this Court is informed is regarding issuance of separate patta) has not been disposed of in accordance with Judgment and Decree of this Court (made by a Hon'ble Single Judge) dated 25.10.2017 in S.A(MD) No.958 of 2014.

5. To be noted, there is no disputation or disagreement before this Court that this Judgment and Decree made in the aforementioned Second Appeal has attained finality / legal quietus. Therefore, the impugned order is set aside, holding that writ petitioner need not approach civil Court again as the matter has been carried up to Second Appeal and the same has attained finality / legal quietus.

6. In the light of narrative thus far, sole respondent is directed to do the needful / dispose of writ petitioner's representation dated 06.08.2018 in accordance with Judgment and Decree of this Court dated 25.10.2017 made in S.A(MD)No.958 of 2014 within a period of eight weeks from the date of receipt of a copy of this order, after putting on notice all parties concerned and after giving a reasonable opportunity to all parties concerned.

7. The conclusion of aforesaid proceedings shall be communicated by the office of the respondent to writ petitioner and others concerned (if any) under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

8. Instant Writ Petition is disposed of with above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar (CS)



Ps

To

The Tahsildar,
O/o.The Tahsildar,
Karur,
Karur District.

+1 CC to SPL GP (SR-99964[F] dated 20/11/2019)

+1 CC to Mr.D. NALLATHAMBI, Advocate (SR-100260[F] dated
21/11/2019)

W.P (MD) No.22775 of 2019
19.11.2019

VB(28.11.2019) 3P 4C