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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26942 of 2012

and

M.P.No.1 of 2012

K.Thirunavukkarasu

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.
- 2.The District Collector,
Nagapattinam District,
Nagapattinam.
- 3.The District Revenue Officer,
Nagapattinam District,
Nagapattinam.
- 4.The Sub-Collector,
Mayiladuthurai,
Nagapattinam District.
- 5.The Tahsildar,
Kuttalam Taluk,
Nagapattinam District.
- 6.The Block Development Officer/
Commissioner of Panchayat Union,
Kuthalam, Nagapattinam District.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to restore patta for natham house property bearing Survey No.567/1, situated at Konerirajapuram Village, Kuttalam Taluk, Nagapattinam District, measuring an extent of 0.005 acres which was cancelled by the 4th respondent by his proceedings in Na.Ka.No.5509/2005/A4, dated 25.09.2009.



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For Petitioner : Mr.J.Selvarajan

For Respondents : RR1 to 5 - Ms.A.Madhumathi,
Special Government Pleader

: R6 - No appearance

ORDER

Heard Mr.J.Selvarajan, learned counsel for the petitioner and Ms.A.Madhumathi, learned Special Government Pleader appearing for respondents 1 to 5.

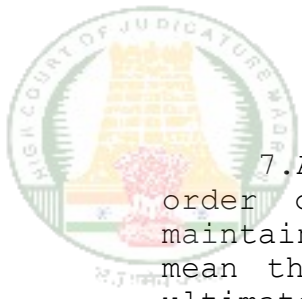
2.The petitioner has filed this writ petition seeking for issuance of writ of mandamus, directing the respondents to restore patta for natham house property bearing Survey No.567/1, situated at Konerirajapuram Village, Kuttalam Taluk, Nagapattinam District, measuring an extent of 0.005 acres, which was cancelled by the 4th respondent by his proceedings in Na.Ka.No.5509/2005/A4, dated 25.09.2009.

3.It is seen that the house site patta, which was granted to the petitioner, was cancelled and the appeal filed before the fourth respondent was rejected by order dated 25.09.2009. The petitioner filed a writ petition challenging the said order in W.P.No.24053 of 2009.

4.The learned counsel for the petitioner submitted that since the petitioner was informed that amicable settlement would be arrived at in the matter and believing the words, the writ petition was withdrawn on 10.06.2010. Subsequently, since the petitioner did not get any relief, the petitioner has filed this writ petition.

5.The prayer sought for cannot be granted, unless and until the correctness of the order passed by the fourth respondent dated 25.09.2009, is tested. This cannot be done in a writ petition, as appropriate appeal/revisional remedy lies before the third respondent.

6.Accordingly, this writ petition stands disposed of by directing the petitioner to file an appeal/revision before the third respondent challenging the order dated 25.09.2009, passed by the fourth respondent within a period of fifteen days' from the date of receipt of a copy of this order and if the appeal/revision is filed, the third respondent shall consider the same and pass orders on merits and in accordance with law, after taking note all the facts and circumstances.



7. At the time, when the writ petition was entertained, an order of status-quo, as on 01.11.2012, was directed to be maintained. The same shall be maintained and it will obviously mean that the order of cancellation would stand suspended and ultimately, it will be abide by the orders to be passed by the third respondent, the appellate/revisional authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

abr

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-600 009.

2. The District Collector,
Nagapattinam District,
Nagapattinam.

3. The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

4. The Sub-Collector,
Mayiladuthurai,
Nagapattinam District.

5. The Tahsildar,
Kuttalam Taluk,
Nagapattinam District.

6. The Block Development Officer/
Commissioner of Panchayat Union,
Kuthalam, Nagapattinam District.

+1cc to Mr. J. Selvarajan, Advocate SR.No.22350

+1cc to Government Pleader SR.No.22681

W.P.No.26942 of 2012

NR(CO)
GMY(09/07/2020)