



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.A. (MD)No.983 of 2020

and

C.M.P. (MD)No.5326 of 2020

WEB COPY

C.Poovasalingam ... Appellant/Writ Petitioner
versus

1. The District Revenue Officer,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.
2. The Sub Collector / Revenue
Divisional Officer,
Paramakudi, Ramanathapuram District.
3. The Thasildhar,
Kadaladi Taluk,
Kadaladi,
Ramanathapuram District.
4. Sudalaiyandi ... Respondents/Respondents

Prayer:Writ Appeal filed under Clause 15 of Letter Patent, against the order dated 09.10.2020 passed in W.P.(MD)No.9162 of 2020.

Prayer in WP(MD). 9162/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writs or orders or directions more particularly in the nature of a Writ of certiorarified mandamus to call for the records pertaining to the impugned order of Pa.Mu.(P5)/29594/2019, dated 31/07/2020 passed by the 1st Respondent and quash the same and consequently directing the Respondents 1 to 3 to issue patta in petitioner name for the property of Survey No.87, 87/1, situated at Kannirajapuram Village , Kadaladi taluk, Ramanathapuram Dist .

For Appellants : Mr.R.Murugappan

For Respondents: Mrs.J.Padmavathidevi,
Special Government Pleader for R1 to R3
Mr.S.Ramakrishnan, Senior Counsel,
for Mr.K.Saravanan for R4



JUDGMENT

[Judgment of the Court was delivered by **N. KIRUBAKARAN, J.**]

This Writ Appeal has been filed against the order, dated 09.10.2020, passed in W.P.(MD)No.9162 of 2020, by the learned Single Judge providing police protection to the fourth respondent to put up a compound wall without uprooting the palm trees, standing in the property.

2. Heard the learned counsel appearing for the appellant as well as Mr.S.Ramakrishnan, learned Senior Counsel appearing for the 4th respondent.

3. There was a dispute between the appellant and the 4th respondent with regard to the property comprised in Survey Nos.87 and 87/1 situated at Kannirajapuram Village, Kadaladi Taluk, Ramanathapuram District. In this regard, even before the appellant and the 4th respondent inherited the property, there was a dispute, which reached finality before the District Court, Ramanathapuram, in A.S.No.123 of 1983 dated 13.04.1983 and the same was decided in favour of the father of the 4th respondent.

4. The patta in respect of the property comprised in Survey No.87/1 to an extent of 2.70.00 Hectares was given in favour of the 4th respondent and his elder brother. The said patta was sought to be cancelled by filing an appeal by the appellant before the District Revenue Officer, Ramanathapuram, who rejected the appeal. Against the said order, the appellant filed a Writ Petition in W.P.(MD)No.9162 of 2019 before this Court. In the said writ petition, the 4th respondent filed a petition seeking police protection that was allowed, against which, the present appeal has been filed.

5. It is stated by Mr.Ramakrishnan, learned Senior Counsel, appearing for the 4th respondent, that already a compound wall has been constructed and the order was given effect. Moreover, no prejudice is caused to the appellant that the palm trees belong to the appellant have not been uprooted.

6. That apart, the learned Special Government Pleader appearing for the respondents 1 to 3, produced a letter, dated 24.10.2020, which shows that the property comprised in Survey Nos.87/1B, 87/2 and 87/1A stands in the name of Mr.Deenadhayan, who purchased the property from the fourth respondent and the palm trees have not been uprooted and the order has been given effect. Moreover, the Writ Petition is posted tomorrow for final hearing.

In view of the above, the Writ Appeal is dismissed with



a request to the learned Single Judge to take up the matter and dispose of the same at the earliest. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Revenue Officer,
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Ramanathapuram District.
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Divisional Officer,
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3. The Thasildhar,
Kadaladi Taluk,
Kadaladi, Ramanathapuram District.

Copy to

The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to SGP (SR-21163[F] dated 04/11/2020)

+1 CC to Mr.K. SARAVANAN, Advocate (SR-21178[F] dated 04/11/2020)

W.A. (MD) No. 983 of 2020

03.11.2020

KM(CO)

KM (27.11.2020) 3P 7C