

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Review Appln (Writ) No.173 of 2021
in W.P.No.6984 of 2021
and W.M.P.No.28250 of 2021

T.Santhamoorthi
S/o.M.Thiruvengadam,

... Applicant

Vs.

T.Baskaran
S/o.Thirubalan,

2.The Tahsildar,
Previously Attur Taluk,
Now Thalaivasal Taluk,
Salem District.

3.The Taluk Surveyor,
Previously Attur Taluk,
Now Thalaivasal Taluk,
Salem District.

... Respondents

Prayer: Review Petition is filed under Sections 114 Of C.P.C. seeking to review the order passed in W.P.No.6984 of 2021 dated 18.03.2021.

Prayer in W.P.No.6984 of 2021:

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to measure and fix boundary stones to the Petitioners and comprised in Survey No 14/5 as per the order dated 24.5.1982 issued by the Additional collector Salem land in old Patta No 1048 and New patta No 330 Situated at Navalur village, Previously Attur taluk, Now Thalaivasal Taluk Salem District , by passing orders on representation dated 17.7.2020

For Petitioner : Mr.K.Premkumar
For R2 & R3 : Mr.P.Sanjay Gandhi
Government Advocate

O R D E R

This Court vide order dated 18.03.2021 in W.P.No.6984 of 2021 has directed the Tahsildar to hold an enquiry after serving notice to all the parties who might be affected by the proceedings that the Tashildar may passed while considering the representation of the Writ Petitioner for a grant of patta. The Review petitioner is one of the parties who was not arrayed in the Writ Petition, but who has been served with the notice.

2.Learned counsel for the Review Petitioner submits that there are interim suit between the Review petitioner and the Writ Petitioner concerning the title over the property in A.S.No.12 of 2021 on the file of Sub Court, Attur.

3.Learned counsel added that despite the fact a dispute regarding the title is pending consideration of the civil Court, the Writ Petitioner has clandestinely approached this Court, and suppressing these facts, obtained an order now sought to be reviewed. He also brought to the notice of the Court u/s. 14 of the Patta Passbook Act, 1983, and submitted that as per the Act, when there is a dispute as title pending before the Civil Court, the Revenue officials shall not lay their hands on the issue of grant of patta.

4.The learned counsel for the Review Petitioner has been served with the notice of the Review petition and his name is also printed. There is no representation.

5.Heard Mr.P.Sanjay Gandhi, the learned Government Advocate, appearing on behalf of the respondents 2 and 3 in the Review Petition.

6.This Court has only passed a broad based order in W.P.No.6984 of 2021. In that order, this Court has not directed any of the official respondents to do any specific act except directing them to issue notices concerning enquiry that this Court has directed them to hold. It might be that the Review Petitioner may not have been served with a notice by the Revenue officials, but, going by the statement of the learned counsel for the Review Petitioner, he has volunteered to file his objections on 12.07.2021 to the Tashildar, the 2nd Respondent in this petition.

7.Inasmuch there is a civil suit pending consideration of the learned Sub Judge, Atthur in A.S.No.12 of 2021 between the Review Petitioner and the Writ Petitioner, the Tashildar concerned is now required to entertain the objections and he is required to act strictly in accordance with law.

8. So far as the need for Review is concerned, this Court does not find any error apparent on the face of the Court and the Review is disposed of subject to what is stated herein above.

9. The Review Petition accordingly is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dk

To,

1. The Tahsildar,
Previously Attur Taluk,
Now Thalaivasal Taluk,
Salem District.

2. The Taluk Surveyor,
Previously Attur Taluk,
Now Thalaivasal Taluk,
Salem District.

+1 cc to Mr.K.Premkumar, Advocate Sr.NO. 69285

+1 cc to Government Pleader Sr.NO. 69908

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AD(CO)

A.SK(11.01.2022)