



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8075 of 2012

P.M.H.Ismeth Khan

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Tirunelveli.

2.The Thasildhar,
Palayamkottai Taluk,
Tirunelveli.

3.Nagoor Ammal

4.Sherin Jahan

5.Abdul Malik @ Mohammed Abdul Malik

6.Raisa Fathima @ Raisa Fathima Banu

.... Respondents

** R3 to R6 impleaded as party respondent vide
order dated 26.06.2012 in M.P.No.1 of 2012*

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 15.02.2012 given for cancellation of patta on merits and pass order in accordance with law within the time fixed by this Court.

For Petitioner

: Mr.H.Arumugam

For R1 and R2

: Mr.M.Muniasamy

Additional Government Pleader

For R3 to R6

: Mr.D.Nallathambi

ORDER

This writ petition has been filed for the issue of a writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 15.02.2012, wherein, the petitioner has sought for the cancellation of patta issued in favour of the respondents 3 to 6.

2.Heard Mr.H.Arumugam, learned counsel appearing on behalf of the petitioner, Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.D.Nallathambi, learned counsel appearing on behalf of the



respondents 3 to 6.

3.It is brought to the notice of this Court that there is a pending suit in O.S.No.112 of 2012 on the file of the I Additional District Court, Tirunelveli. The learned counsel for the petitioner submitted that the said suit was dismissed for default and he does not know whether it has been subsequently restored.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to consider the representation made by the petitioner on 15.02.2012 and deal with the same on its own merits and in accordance with law by affording opportunity to the petitioner and respondents 3 to 6. If on enquiry, the first respondent comes to know that there is any pending civil suit, he shall relegate the parties before the competent civil Court to workout their remedy. If no civil suit is pending, the first respondent shall consider the claim made by both the parties and take a decision strictly in accordance with law and pass an orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Revenue Divisional Officer,
Tirunelveli.

2.The Thasildhar,
Palayamkottai Taluk,
Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-18184[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18445[F] dated 03/05/2021)

WEB COPY

Order made in
W.P. (MD) .No.8075 of 2012
Dated:
29.04.2021

AS (08.06.2021) 3P 5C