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W.P.(MD)No.7824 of 2021

Vendi Muthaiah v. The District Revenue Officer

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 15.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.7824 of 2021

W.M.P. (MD) Nos.5965 and 5966 of 2021

(Through Video Conferencing)

Vendi Muthaiah

... Petitioner

Vs.

1.The District Revenue Officer,
Office of DRO
Madurai District

2.The Revenue Divisional Officer,
Office of RDO
Usilampatti
Madurai District

3.The Tahsildar,
Usilampatti Taluk
Madurai District.

4.Veerammal

5.Archunan

6.Perumal

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.95776/2005 G2 dated ... 08.2008 by reversing the order of the 2nd respondent in his proceedings Na.Ka.No.7967/2003 A2 dated 11.07.2005 and quash the same and direct the respondents to cancel the joint patta No.2210 issued by the 3rd respondent in favour of 4 to 6 respondents within stipulated time fixed by this Court.

For Petitioner

:Mr.S.Sankara Subramanian



For Respondents :Mr.M.Muniyasamy for R1 to R3
Additional Government Pleader

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ORDER

This writ petition has been filed challenging the proceedings of the first respondent of the year 2008, through which the order of the second respondent dated 11.07.2005 was reversed and for a consequential direction to the respondents to cancel the joint patta issued in favour of the respondents 4 to 6.

2.Heard Mr.S.Sankara Subramanian, learned counsel for the petitioner and Mr.M.Muniyasamy, learned Additional Government Pleader, appearing on behalf of the respondents 1 to 3.

3. On going through the records, it is seen that the petitioner is independently pursuing his remedy before the competent civil Court and had filed O.S.No.125/2008 before the District Munsif Court, Usilampatti. It is reported that this suit was dismissed and the petitioner has filed an appeal before the Sub Court, Usilampatti in A.S.No.40/2019 and the same is pending. The entitlement of the petitioner to seek for the cancellation of the joint patta will depend upon the result of the civil proceedings initiated by the petitioner. At this stage, this Court cannot interfere with the proceedings of the first respondent of the year 2008.

4. In view of the above, the relief sought for by the petitioner cannot be granted by this Court and it is left open to the petitioner to approach the third respondent depending upon the result of the appeal pending in A.S.No.40/2019 on the file of the Sub Court, Usilampatti.

5. This writ petition is disposed of accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

SD

ASSISTANT REGISTRAR (P AND A)

TRUE COPY

/5/2021

SUB ASSISTANT REGISTRAR (CS)

RR

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.

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



To

1.The District Revenue Officer,
Office of DRO
Madurai District

2.The Revenue Divisional Officer,
Office of RDO
Usilampatti
Madurai District

3.The Tahsildar,
Usilampatti Taluk
Madurai District.

2CC'S TO MR. S.SANKARASUBRAMANIAN, ADVOCATE SR 15821
1CC TO THE SPL GOVT PLEADER SR 16280

TR
3/5/2021
3P/7C

W.P. (MD)No.7824 of 2021
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