



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10538 of 2021

and W.M.P. (MD) .No.8205 of 2021

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Muthumari

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai.
- 4.The Village Administrative Officer,
21, Vilangudi I Bit,
Madurai District.
- 5.S.Selvaraj
- 6.Pushpam @ Pushpalatha
- 7.A.Murugan
- 8.A.Kumaresan
- 9.A.Kathiresan
- 10.A.Azhagesan
- 11.Palani Velammal
- 12.Muthuselvi

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent in Ni.Mu.No.6090/2010/N, dated 01.09.2015 and quash the same and consequently direct the 2nd, 3rd, and 4th respondents to restore revenue records and kist assessment in the name of the petitioner.



For Petitioner : Mr.K.Navaneetharaja
For Respondents : Mr.M.Lingadurai for R1 to R4
Government Advocate

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ORDER

It is seen from the records that the mother of the petitioner has already filed a writ petition in W.P.(MD).No.18429 of 2019, challenging the issuance of patta in favour of respondents 5 to 12. The said writ petition is pending. While so, the daughter has now filed the present writ petition challenging the proceedings of the second respondent, dated 01.09.2015, which ultimately, resulted in the issuance of patta in favour of the respondents 5 to 12.

2.In the considered view of this Court, the proceedings, dated 01.09.2015 should have become a subject matter of challenge in W.P.(MD).No.18429 of 2019. A separate writ petition cannot be filed in 2021 on the same cause of action just because the proceedings, dated 01.09.2015, was not challenged in the earlier writ petition.

3.In view of the above, this Court is not inclined to entertain this writ petition. However, liberty is granted to file an appropriate amendment petition in the pending W.P.(MD).No.18429 of 2019 and an impleading petition to implead the petitioner as one of the party in the writ petition. This opportunity will sufficiently safeguard the interest of the petitioner and her mother.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.The Village Administrative Officer,
21, Vilangudi I Bit,
Madurai District.

+1 CC to M/s.SPL GP (SR-20311[F] dated 25/06/2021)

**W.P. (MD) .No.10538 of 2021
24.06.2021**

KK(01.07.2021) 3P 6C