



W.P.No.11166 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.11166 of 2013
and M.P.No.2 of 2013

C.Seethapathi

... Petitioner

Vs.

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The District Revenue Officer/Sub-Collector,
Cuddalore,
Cuddalore District.

3.The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

4.The Tahsildar,
Panrutti,
Cuddalore District.

5.Rajakumari

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in

Page No.1 of 7



W.P.No.11166 of 2013

Na.Ka.Vi3/18212/2012 order dated 28.02.2013 and the order of the third respondent in Ni.Mu.A3/4553/2011 dated 17.04.2012 and quash the same and direct the fourth respondent to restore the patta in respect of the Agricultural landed property in Ayan Punjai S.No.96/5 of Chinnapurangani Village to an extent of 7 Acres and 40 cents and S.No.96/2 of Chinnapurangani Village to an extent of 40 cents situated at Panrutti Taluk, Cuddalore District in the name of petitioner father namely Chandrasekaran.

For Petitioner : Mr.G.Jayaprakash
for Mr.Dr.G.Krishnamurthy

For Respondents 1 to 4 : Mr.U.Baranidharan,
Additional Government Pleader

For Respondent 5 : Mr.V.Ragavachari

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in Na.Ka.Vi3/18212/2012 order dated 28.02.2013 and the order of the third respondent in Ni.Mu.A3/4553/2011 dated 17.04.2012 and quash the same and direct the fourth respondent to restore the patta in respect of the Agricultural landed



W.P.No.11166 of 2013

property in Ayan Punjai S.No.96/5 of Chinnapurangani Village to an extent of 7 Acres and 40 cents and S.No.96/2 of Chinnapurangani Village to an extent of 40 cents situated at Panrutti Taluk, Cuddalore District in the name of petitioner father namely Chandrasekaran.

2. The case of the petitioner is that the agricultural land in Ayan Punjai S.No.96/5 of Chinnapurangani Village to an extent of 7 acres and 40 cents and S.No.96/2 of Chinnapurangani Village to an extent of 40 cents situated at Panruti was belonged to petitioner's father. In order to obtain patta for the said property, fifth respondent submitted some records before the fourth respondent. Therefore, the petitioner has filed O.S.No.53 of 2006 before the District Court Cuddalore (thereafter the suit was transferred to Sub-Court Panrutti and re assigned as O.S.No.74 of 2010) and the same was dismissed on 09.12.2011. By way of this order, the fifth respondent obtained patta on her favour. Aggrieved over the same, the petitioner has filed an appeal before the third respondent. However, the third respondent vide proceeding in Ni.Mu.A3/4553/2011 dated 17.04.2012 rejected the said appeal, against which, the petitioner preferred revision before the second respondent. The



W.P.No.11166 of 2013

second respondent also rejected the revision by its proceeding in Na.Ka.Vi3/18212/2012 dated 28.02.2013. Challenging the orders of the second and third respondent, this writ petition was filed.

3. The learned counsel for the petitioner submitted that as against decree in O.S.No.74 of 2010, the petitioner filed an appeal in A.S.Nos.30 & 39 of 2012 is pending before the District Court at Cuddalore between the petitioner and the fifth respondent. Hence, liberty may be granted to the petitioner to file a fresh application, if he succeed in the case before the Appellate Court.

4. The learned counsel appearing for the fifth respondent submitted that appeal preferred by the petitioner has already been dismissed by the Appellate Court. Accordingly, he prayed for dismissing this writ petition.

5. Heard the learned counsel for both sides and perused the materials placed on record.

6. Though it is claimed that the appeal has been dismissed, however, no



W.P.No.11166 of 2013

material whatsoever is placed before this Court to substantiate the same. In such view of the matter, as only a limited relief has been sought for by the petitioner, this Court without going into the merits of the case, grants liberty to the petitioner to file a fresh application, subject to the outcome of the appeal, if not already disposed by the Appellate Forum.

7. Accordingly, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

20.09.2022

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The District Collector,
Cuddalore,

Page No.5 of 7



W.P.No.11166 of 2013

Cuddalore District.

2.The District Revenue Officer/Sub-Collector,
Cuddalore,
Cuddalore District.

3.The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

4.The Tahsildar,
Panrutti,
Cuddalore District.

M.DHANDAPANI,J.

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W.P.No.11166 of 2013

Page No.6 of 7



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W.P.No.11166 of 2013

20.09.2022