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W.P.No.19454 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19454 of 2015

1.Lawrence
2.William
3.Rajan
4.Thomas
5.Meshak
6.Baskaran
7.Suresh
8.Prakash

... Petitioners

Vs.

1.Revenue Divisional Officer,
Vellore 632 009.

2.Tahsildar,
Katpadi Taluk,
Vellore District.

3.Sankaran
4.Ashokan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in the impugned order made in Na.Ka.No.A2/5948/2012 dated 10.04.2013 passed by the first respondent, quash the same consequently direct the first respondent to dispose the petitioner's representation dated 11.02.2013 on merits in accordance with law.



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For Petitioners : M/s.S.P.Sudalaiyandi
For Respondents : Mr.U.Bharanidharan for R1 & R2
Additional Government Pleader
M/s.M.Rajasekhar for R3 & R4

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in the impugned order made in Na.Ka.No.A2/5948/2012 dated 10.04.2013 passed by the first respondent, quash the same, consequently direct the first respondent to dispose the petitioner's representation dated 11.02.2013, on merits and in accordance with law.

2.The case of the petitioners is that the petitioners are the owners of the disputed property and acquired the same from their grandfather. Respondents 3 and 4 filed a suit for declaration in O.S.No.4 of 2009 before the learned District Munsif Court, Katpadi, as against the petitioners relying upon Patta No.259 dated 03.03.2009 and the said suit was decreed in their favour. Challenging the same, the petitioners filed A.S.No.92 of 2011 before the Sub Court, Vellore and the said appeal was dismissed.



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3.The further case of the petitioners is that, the petitioners preferred second appeal in S.A.No.952 of 2012 before this Court and the second appeal was dismissed by this Court. Aggrieved by the same, the petitioners preferred SLP No.24673 – 24674 of 2014 before the Hon'ble Apex Court and the Hon'ble Apex Court vide order dated 22.09.2014 granted liberty to the petitioners to file review petition as against the order passed in the second appeal. Thereafter, the petitioners filed review petition before this Court along with petition for condonation of delay and the same is pending. In the meanwhile, the third petitioner made representation to the official respondents seeking to cancel Patta No.259 dated 03.03.2009 and to grant patta in favour of the petitioners and the impugned order came to be passed. Hence, this writ petition.

4.The learned counsel appearing for the petitioners submitted that the impugned order was passed on the ground that second appeal was pending before this Court, however, the second appeal was dismissed by this Court and the petitioners have filed review petition before this Court along with petition for condonation of delay and the same is pending. Hence, this Court, without going into the



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merits of

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the case, may grant liberty to the petitioners to make fresh application before the Revenue Officials after disposal of the review petition pending before this Court.

5.In view of the above, this Court, without expressing any opinion on the merits of the case, grant liberty to the petitioners to make fresh application before the Revenue Officials, if they succeed in the review petition pending before this Court.

6.The writ petition is accordingly disposed of. No costs.

19.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Revenue Divisional Officer,
Vellore 632 009.

2.Tahsildar,
Katpadi Taluk,
Vellore District.

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M.DHANDAPANI,J.
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