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W.P.No.3721 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.3721 of 2016**

**And**

**W.M.P.Nos.3109 and 3139 of 2016**

Durai @ Kaliyamurthy

... Petitioner

Vs.

1.The District Revenue Officer and  
Appellate Authority of Land Development Scheme  
Nagapattinam District.

2.The Sub – Collector  
Office of Sub – Collector Office  
Mayiladuthurai.

3.The Tashildar  
Taluk Office,  
Mayiladuthurai.

4.Ganapathy

... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the first respondent proceedings in Ni.Mu.19119/2014/A4 dated 30.11.2015 relating to change of patta in favour of fourth respondent and quash the same and consequently to direct the third respondent to issue patta in the name of the petitioner, property situated at



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Mayiladuthurai Town, 56, Korainadu, Ward No.VI, Town Survey No.929  
bearing 3069 sq.ft.

For Petitioner : M/s.P.Saravanan  
For Respondents : Mr.Yogesh Kannadasan for R1 to R3  
Special Government Pleader  
M/s.A.Muthukumar for R4

### **ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records from the first respondent proceedings in Ni.Mu.19119/2014/A4 dated 30.11.2015 relating to change of patta in favour of fourth respondent and to quash the same and to consequently direct the third respondent to issue patta in the name of the petitioner, property situated at Mayiladuthurai Town, 56, Korainadu, Ward No.VI, Town Survey No.929 bearing 3069 sq.ft.

2.The case of the petitioner is that the petitioner is residing at Kakkum Pillaiyar Koil Street, Kurainadu, Mayiladuthurai Taluk, since he was born and the Executive Officer of Arulmigu Manmathasamy Temple and Arulmigu Valli Devasena Samedha Sri Subramani Thirukoil situated at Kurainadu filed suit in O.S.No.39 of 2009 before the Additional District Munsif Court, seeking to remove the encroachment on the superstructure and the said suit was dismissed on 30.03.2010

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and challenging the same, the Executive Officer of the said Temple filed A.S.No.7 of 2011 on the file of the learned Principal Sub Judge, Mayiladuthurai and the said appeal was allowed and challenging the same, the petitioner has preferred S.A.No.897 of 2012 before this Court and the same is pending.

3.The further case of the petitioner is that while such being the position, the fourth respondent applied for transfer of patta before the third respondent and vide order dated 27.06.2006, patta was transferred in his favour. Aggrieved by the same, the petitioner preferred appeal before the second respondent and vide order dated 04.09.2014, the said appeal was allowed. Challenging the same, the fourth respondent preferred revision before the first respondent and the first respondent vide order dated 30.11.2015 confirmed the patta granted in favour of the fourth respondent. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court permits the petitioner to make fresh application before the Revenue Officials for issuance of patta after disposal of the second appeal in S.A.No.897 of 2012 pending before this Court.



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5.In view of the above, without expressing any opinion on the merits of the case, permits the petitioner to make fresh application before the Revenue Officials for issuance of patta, if he succeeds in the second appeal in S.A.No.897 of 2012 pending before this Court.

6.The writ petition is accordingly disposed of. No costs.  
Consequently, the connected miscellaneous petitions are closed.

**29.06.2022**

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

To

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**M.DHANDAPANI,J.**  
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