



W.P.No.29323 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

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

W.P.No.29323 of 2014  
and  
M.P.Nos.2 of 2014 & 1 of 2015

D.Ramesh

...Petitioner

Vs.

1. The District Revenue Officer,  
Dharmapuri - 636 705.
2. The Revenue Division Officer,  
Dharmapuri - 636 705.
3. The Deputy Tahsildar,  
Head Quarters,  
Dharmapuri - 636 705.
4. E.Kuppusamy
5. S.Malarkodi
6. M.Ambika

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to proceedings in Na.Ka.No.18937/2010 (Pa.2) dated 28.07.2014, on the file of the first respondent herein and to quash the same, and direct the respondents 1 to 3 to consider the name of the petitioner for inclusion in the Revenue Patta, pertaining to the land to an extent of 0.58.2 sq.meter situated



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in T.S.No.6/14 in Block No.17 in Ward No.8 in Dharmapuri Town, within a time frame as may be fixed by this Court.

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For Petitioner : Mr.V.R.Annagandhi

For Respondents : Mr.Yogesh Kannadasan, Spl.GP, for R1 to 3  
: Mr.S.Subramanian, for R4  
: Mr.K.Ramu, for R6

### **ORDER**

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent in respect of the proceedings in Na.Ka.No.18937/2010(Pa.2) dated 28.07.2014, quash the same and to consequently direct the respondents 1 to 3 to include the petitioner's name in the Revenue Patta, pertaining to the subject land.

2. The case of the petitioner is that originally the land comprised in T.S.No.6/14 situated at Block No.17 in Ward No.8 in Dharmapuri Town, measuring an extent of 0.58.2 sq.mtr., was owned by the petitioner's grand father namely Chinnasamy and after his demise, the subject property devolved upon the petitioner's mother namely Saraswathi Ammal, as the said Chinnasamy adopted the petitioner's mother as his daughter and the revenue



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patta which initially stood in the name of the petitioner's grandfather was also changed to the name of the petitioner's mother. Whiles, the petitioner's mother came to know that one Ethirajulu, father of the private respondents herein has fraudulently got the revenue records changed to his name and aggrieved by the same, she preferred an appeal before the 2nd respondent and the same was allowed, vide order dated 14.05.2010, by setting aside the order of transfer of patta in the name of the said Ethirajulu. Aggrieved by the same, the said Ethirajulu preferred an appeal before the 1st respondent and during the pendency of the said appeal, both the petitioner's mother and the said Ethirajulu died, whiles, without bringing the legal representatives of both the parties, the 1st respondent recorded the statements from his legal representatives and has mechanically passed an order dated 28.07.2014, allowing the said appeal and restored the patta in respect of the subject property in favour of the said Ethirajulu. Hence, challenging the same, the present Writ petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that already the said Ethirajulu and the respondents 4 to 6 have filed a suit in O.S.No.229 of 2010 on the file of the District



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Munsif of Dharmapuri and the same was decreed in favour of the private respondents and as against which, the petitioner filed first appeal in A.S.No.38/17 and the same was allowed in favour of the petitioner. Aggrieved by the same, the private respondents filed second appeal in S.A.No.370/2020 and the same is pending. Hence, he fairly submitted that, it would suffice if this Court permits the petitioner to file a fresh application for issuance of patta in respect of the subject property in his favour, after the disposal of the said pending Second appeal.

4. On the above said contentions, heard learned counsel for the respective respondents and perused the materials available on record.

5. In view of the aforesaid submission made by the learned counsel for the petitioner, and as the issue involved in the present Writ petition is purely a civil dispute inbetween the petitioner and the private respondents, and as the order impugned in the present petition is the subject matter of the Second Appeal in S.A.No.370/2020, which is pending, this Court without expressing any opinion on the merits of the case and without interfering with the order under challenge, grants permission to the petitioner and the private



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respondents to canvass all their grievance in the pending second appeal and further, liberty is granted to the succeeding party, to make fresh application before the original authority / the Tahsildar, for issuance of patta in their favour, after the disposal of the said Second Appeal and if such application is filed, the jurisdictional Tahsildar shall consider the same and pass orders in accordance with law, based on the judgement in the second appeal, as expeditiously as possible.

6. With the above observations and directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

**22.06.2022**

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Speaking Order : Yes/ No

Index : Yes/ No

To

1. The District Revenue Officer,  
Dharmapuri - 636 705.

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2. The Revenue Division Officer,  
Dharmapuri - 636 705.
3. The Deputy Tahsildar,  
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**M.DHANDAPANI, J.**

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