



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.6437 of 2009

WEB COPY

Thirumeni @ Packiavathi

... Petitioner

versus

1. S.Shanmugavel
2. S.Velammal
3. Murugan

4. The District Revenue Officer,
Tirunelveli.

5. The Revenue Divisional Officer,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the proceedings in Revision Na.Ka.No.B2/See.Ma.No.01/2006 dated 25.05.2009 on the file of the 4th respondent and quash the same.

For Petitioner : Mr.M.P.Senthil

For R1 and R2 : Mr.R.Anand

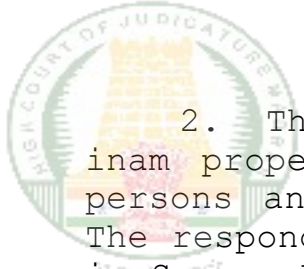
For R4 and R5 : Mr.D.Gandhiraj

Special Government Pleader

For R3 : No appearance

ORDER

This writ petition is filed challenging the order dated 25.05.2009 passed by the District Revenue Officer, Tirunelveli, on the revision petition filed by the respondents 1 to 3. The respondents 1 to 3 filed a revision petition under Section 13 of the Patta Pass Book Act, 1983, before the fourth respondent/the District Revenue Officer, Tirunelveli and the District Revenue Officer, Tirunelveli, without considering the litigations pending between the parties before the Civil Court, granted patta in favour of respondents 1 to 3, by setting aside the order of the Revenue Divisional Officer, Tirunelveli and directed to include the names of respondents 1 to 3 and other six persons as joint pattadars.



2. The petitioner claims that the land in Survey No.46/1 is an inam property purchased by her in the year 1966 from different persons and she is in possession and enjoyment of the property. The respondents 1 to 3 claiming to be joint owners of the property in Survey No.46/1 as legal heirs of one Sivanatha Thevar, obtained patta in favour of them, which was confirmed by the fourth respondent/the District Revenue Officer, Tirunelveli, vide order 25.05.2009. Challenging the same, the present writ petition has been filed.

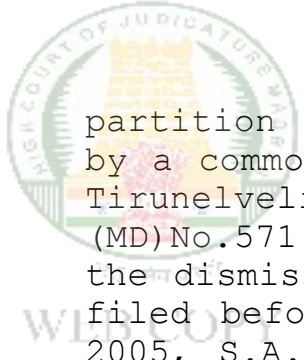
3. The learned counsel appearing for the petitioner submits that when the issue was pending before this Court in S.A.(MD)Nos. 803 of 2006, 571 of 2007 and 600 of 2007, the fourth respondent/the District Revenue Officer, Tirunelveli, is not correct in passing the impugned order by confirming the grant of patta issued in favour of respondent Nos. 1 to 3. Now, the issue went upto the Supreme Court in S.L.P.(C) Diary Nos.6308 and 6265 of 2020, wherein, the Hon'ble Apex Court, on 12.08.2021, granted an order of status quo until further orders.

4. The learned counsel appearing for the respondent Nos.1 to 3 submits that the petitioner has lost her case in all the Forums. Further, she filed an application for re-hearing the second appeal, which was also dismissed by this Court. Therefore, nothing survives for adjudication.

5. This Court considered the rival submissions and perused the materials available on record.

6. On perusal of records, it is seen that the respondents 1 to 3 herein and others filed a suit in O.S.No.708 of 1985 for partition and for separate possession of 9 acres and 96 cents of land in Uthampandiankulam Village, Palayamkottai Taluk, Tirunelveli District. In that suit, there were 51 defendants and a preliminary decree came to be passed. The petitioner herein and others also filed a suit in O.S.No.1285 of 1985 before the District Munsif Court, Tirunelveli, seeking declaration, declaring that the petitioner and two others are entitled to an extent of 20.95 hectares of land in Uthampandiankulam Village comprised in different survey numbers including Survey No.46. The suit filed by the petitioner and others in O.S.No.1285 of 1985 was dismissed by Judgment and Decree dated 21.12.1996.

6.1. Against the preliminary decree passed in O.S.No.708 of 1985, A.S.No.194 of 2005 was filed by defendant No.3 in the partition suit, i.e., O.S.No.708 of 1985. A.S.No.84 of 2005 was filed by defendant Nos.7 and 8 in the partition suit. A.S.No.75 of 2005 was filed by defendant No.34 in the partition suit. A.S.No.38 of 2005 was filed by defendant Nos.50 and 51 in the



partition suit. All the four first appeals came to be dismissed by a common Judgment dated 13.12.2005 by the Principal Sub Court, Tirunelveli. Against the dismissal of A.S.No.194 of 2005, S.A.(MD)No.571 of 2007 came to be filed before this Court. Against the dismissal of A.S.No.75 of 2005, S.A.No.600 of 2007 came to be filed before this court. Against the dismissal of A.S.No.84 of 2005, S.A.(MD)No.288 of 2006 came to be filed before this Court. All the three second appeals came to be disposed of by a common judgment of this Court dated 30.04.2015. As against the Judgment passed in O.S.No.1285 of 1985, the petitioner filed an appeal in A.S.No.110 of 1997 before the First Additional Sub Court, Tirunelveli, which was dismissed on 27.11.2000. Against the dismissal of A.S.No.110 of 1997, the petitioner preferred a second appeal in S.A.(MD)No.803 of 2006 and the same was also disposed of by this Court on 10.03.2015. The Second Appeal Nos.571 of 2007, 600 of 2007 and 288 of 2006 were disposed of a common Judgment dated 30.04.2015. S.A(MD)No.803 of 2006 was disposed of by this Court on 10.03.2015.

6.2. Thereafter, a review application filed to review the Judgment passed in S.A.(MD)No.288 of 2006 and applications filed to restore second appeals by setting aside the Judgment passed in S.A.Nos.571 of 2007, 600 of 2007 and 803 of 2006, were also dismissed by this Court on 31.10.2019. Further, the Special Leave Petitions filed before the Hon'ble Apex Court in Diary Nos.6308 and 6265 of 2020 were taken up for hearing on 12.08.2021 and an order of status quo was granted until further orders.

7. In view of the above, the writ petition is disposed of. The parties shall maintain status quo till the disposal of the Special Leave Petition. The petitioner has to work out her remedy in the Special Leave Petition pending before the Hon'ble Apex Court. No costs.

Sd/-
Assistant Registrar

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/ /2022
Sub Assistant Registrar(CS)

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To

1. The District Revenue Officer,
Tirunelveli.

2. The Revenue Divisional Officer,
Tirunelveli.

+1 CC to M/s.R.ANAND, Advocate
(SR-20276[F] dated 21/04/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-20457[F] dated 22/04/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate
(SR-20693[F] dated 22/04/2022)

W.P. (MD) No.6437 of 2009
21.04.2022

SP/27/05/2022/4P/6C