



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.11168 of 2011

and

M.P. (MD)No.1 of 2011

1. William (died)
2. Amalarani
3. Kulandai Jebalenin
4. Daniel Benet Prakash
(Petitioners 2 to 4 are substituted
vide order dt.30.07.2020 in
WMP(MD)No.652/2020 in
W.P. (MD)No.11168/2011)

... Petitioners

versus

1. The Thasildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

2. The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.

3. Sekar

4. Santhakumar
(R4 is impleaded vide Court
order dt.26.03.2012 in M.P(MD)
No.2 of 2011)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the second respondent in Na.Ka.A1-2324-2010 dated 21.07.2011 and quash the same and consequently, direct the respondents 1 and 2 to restore the patta No.1514 in respect of the lands in Survey No.222 (old patta No.963), measuring 1 Acres 22 cents in Kottai Karungulam Village, Radhapuram Taluk, Tirunelveli District with the name of petitioner's father i.e. Jebamalai Nadar.



For Petitioners : No appearance
For R1 and R2 : Mr.A.Baskaran
Additional Government Pleader
For R3 and R4 : Mr.Nirajan S.Kumar

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ORDER

This writ petition is filed as against the order dated 21.07.2011 passed by the second respondent/the Revenue Divisional Officer, transferring the patta in the name of the third respondent.

2. Today, when the matter is called, there is no representation for the petitioners.

3. The learned counsel for the respondent Nos.3 and 4 submits that subsequent to the orders of the Revenue Divisional Officer, the second petitioner, who is the wife of the deceased first petitioner, filed a suit in O.S.No.220 of 2007 before the Principal District Munsif Court, Valliyoor, seeking declaration and injunction with regard to the same lands in Survey No.222. The Principal District Munsif, Valliyoor, by Judgment and Decree dated 11.02.2011, dismissed the suit. Aggrieved over the same, she also filed an appeal before the Sub Court, Valliyoor, in A.S.No.47 of 2011, which was also dismissed by Judgment and Decree dated 13.06.2016. The learned counsel has also produced a copy of the Judgments in O.S.No.220 of 2007 and A.S.No.47 of 2011.

4. In view of the subsequent development and since the issue has already been decided by the Civil Courts, nothing survives for adjudication in this writ petition. Accordingly, the writ petition is dismissed. It is always open to the petitioners to work out their remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Thasildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

2. The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.

+1 CC to M/s.V. BALAJI, Advocate (SR-17765[F] dated 11/04/2022)

+1 CC to M/s.V. KANNAN, Advocate (SR-18050[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18131[F] dated 12/04/2022)

W.P. (MD)No.11168 of 2011

08.04.2022

USK/27.05.2022/3P/6C