



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.455 of 2011

and

M.P. (MD)Nos.1 and 2 of 2011

WEB COPY

A.Ponnusamy

... Petitioner

versus

1. The District Collector,
Thanjavur District.

2. The Revenue Divisional Officer,
Thanjavur.

3. The Zonal Deputy Thasildar - 3
cum Additional Headquarters
Deputy Thasildar,
Thanjavur.

4. R.Natarajan

... 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 of the impugned proceedings of the 3rd respondent in Na.Ka.15918/2009/A8 dated 16.11.2010 and quash the same insofar as the petitioner's S.No.168/89 & S.No.168/90 in 112 Najikottai Village, Thanjavur Taluk is concerned, as illegal, arbitrary and without jurisdiction and consequently, direct the third respondent to restore the name of the petitioner in the said patta and further direct the 3rd respondent to effect mutation of patta only in accordance with the final Judgment in the civil suit in O.S.No.114 of 2010 on the file of the Principal Sub Court, Thanjavur.

For Petitioner	:	Mr.H.Lakshmi Shankar for Mr.T.V.Sivakumar
For R1 to R3	:	Mr.D.Gandhiraj, Special Government Pleader
For R4	:	Mr.M.Saravanan

ORDER

This writ petition is filed against the proceedings of the third respondent dated 16.11.2010, cancelling the patta stands in the name of the petitioner, in respect of the property in S.No.168/89 & S.No.168/90 in 112 Najikottai Village, Thanjavur Taluk.



2. The learned counsel for the petitioner submits that in respect of the said property, the fourth respondent herein has already filed a suit in O.S.No.114 of 2010 before the Principal Sub Court, Thanjavur, for declaration and permanent injunction and pending the suit, the third respondent has passed the order impugned in this writ petition and as a subsequent development, the suit in O.S.No.114 of 2010 filed by the fourth respondent herein was dismissed by the learned Additional Subordinate Judge, Thanjavur, by Judgment and Decree dated 22.03.2017.

3. The said submission of the learned counsel for the petitioner is also affirmed by the learned counsel for the fourth respondent. He also submits that no further appeal has been filed against the Judgment and Decree dated 22.03.2017 passed by the learned Additional Subordinate Judge, Thanjavur. Therefore, the Judgment and Decree dated 22.03.2017 passed by the learned Additional Subordinate Judge, Thanjavur, has become final.

4. In view of the same, the writ petition is allowed and the impugned proceedings of the 3rd respondent in Na.Ka.15918/2009/A8 dated 16.11.2010 is hereby set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Thanjavur District.
2. The Revenue Divisional Officer,
Thanjavur.
3. The Zonal Deputy Thasildar - 3
cum Additional Headquarters
Deputy Thasildar,
Thanjavur.

+1 CC to M/s.N.C. ASHOK KUMAR, Advocate (SR-16552[F] dated 05/04/2022)

+1 CC to M/s.T.V. SIVAKUMAR, Advocate (SR-16592[F] dated 05/04/2022)



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+1 CC to M/s.SPL.GP (SR-17017[F] dated 06/04/2022)

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KS (CO)

KB (05.05.2022) 3P 7C