



W.P.(MD)No.1117 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.1117 of 2013

PL.Deivanai (Died)

Anandhavalli

... Petitioner

(Petitioner impleaded vide Court Order dated 05.08.2022 in W.M.P. (MD).No.7544 of 2018 in W.P(MD).No.1117/2013 by RVJ)

Vs.

1.The District Revenue Officer (DRO)

Sivagangai,

Sivagangai District.

2.S.V.Shanmugam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the 1st respondent dated 03.09.2012 in மு.மு.பி.1-266-2012 and quash the same and directing the 1st respondent herein to enquire into the matter in accordance with law.

For Petitioner :Mr.R.sundar Srinivasan

For Respondents :Ms.D.Farjana Ghoshia
Special Government Pleader for R1



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ORDER

The instant writ petition has been filed challenging the order of the 1st respondent directing the petitioner to approach the Revenue Divisional Officer, after disposal of the suit that is pending before the Sub Court, Devakottai.

2.The learned counsel for the petitioner would submit that the said suit is of the year 1933. In the case of various other persons, who were also parties to the said suit, pattas have been issued in their favour. In respect of the petitioner, she is a decree holder of a suit arising from O.S.No.27 of 1997, which was also confirmed by a judgment and decree of the District Judge, Sivagangai in A.S.No.159 of 1998. Apart from this, she has also a judgment and decree in her favour in O.S.No.78 of 2006, on the file of Sub Court, Devakottai. The said judgments and decrees have not been considered by the 1st respondent, while passing the impugned order. Hence, he would pray for setting aside the order and remit back to the 1st respondent to dispose of her application, after considering the various judgment and



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decree passed in favour of the petitioner.

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3.The learned Special Government pleader would contend that since the suit of the year 1933 is still pending, it is difficult for the 1st respondent to decide the issue further, to grant patta in favour of other persons, who were also parties to the suit.

4.I have considered the arguments made by the counsel appearing on either side.

5.A perusal of the order impugned in this writ petition shows it is bereft of any material. The 1st respondent has not adverted to the various materials submitted by the petitioner.

6.In the light of the same, I am inclined to set aside the order passed by the 1st respondent and remit the matter back to his file to consider the case of the petitioner in proper perspective, after giving an opportunity of hearing to the parties concerned.



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7.In view of the above observations, the impugned order is set aside and the matter is remitted back to the 1st respondent for re-consideration of the petitioner's case and thereafter, pass orders on merits in accordance with law, after giving an opportunity of hearing to the parties concerned. The above exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition stands allowed, accordingly. There shall be no order as to costs.

20.12.2022

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

To

The District Revenue Officer (DRO)
Sivagangai,
Sivagangai District.



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K.KUMARESH BABU, J.

sbn

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