



W.P(MD)No.15297 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15297 of 2012

and

M.P(MD)No.1 of 2012

N.Chandrasekar

... Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Thanjavur.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thanjavur.

3.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

4.Karthick @ Karthikeyan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication of the third respondent in his proceedings in Tha.Pa.15/2012/Aa.2 dated 18.10.2012 and quash the same and consequently direct the third respondent to implement the order of the second respondent in Na.Ka.9523/2009/A5



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dated 20.07.2010 granting patta in the name of the petitioner in respect of the property situate in Survey No. 142/C and 145/5 at Keelathirupanthuruthi Village, Thiruvaiyaru Taluk, Thanjavur District.

For Petitioner : Mr.S.Siva Thilakar
For R1 - R3 : Mr.D.Sasikumar
Additional Government Pleader
For R4 : Mr.G.Kannan

ORDER

The present writ petition has been filed challenging an order passed by the third respondent herein, under which a request of patta for the writ petitioner was rejected.

2. According to the learned counsel for the petitioner, he has got a share in the property and hence, his name has to be included in the patta.

3. Per contra, the learned counsel for the fourth respondent had contended that he had filed O.S.No.209 of 2010 before Additional Sub Court(FTC), Thanjavur for the relief of declaration of title and permanent injunction as against the writ petitioner and Tahsildar. The said suit was dismissed on 29.07.2015. The fourth respondent herein had filed A.S.No. 38 of 2015 before the Second Additional District and Sessions Court, Thanjavur. The First Appellate Court has reversed it and granted a decree



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as prayed for in favour of the fourth respondent herein. The present writ petitioner had filed S.A(MD)No.112 of 2017 before this Court. The second appeal has been dismissed on 25.02.2020. Hence, as on today, the title of the fourth respondent has been confirmed by this Court.

4. However, the learned counsel for the petitioner submitted that thereafter, O.S.No.158 of 2020 has been filed by one Valambal, who is the aunt of the fourth respondent herein, under which the present writ petitioner is shown as the third defendant. The fourth respondent herein is the fourth defendant in the said suit. The said suit has been filed for the relief of partition and separate possession. Hence, according to the learned counsel for the petitioner, since the said suit is still pending, the rights of the petitioner cannot be foreclosed in view of the orders passed in the second appeal.

5. In view of the above said sequence of fact, this Court passes the following order;

(i) In view of the judgment of this Court in S.A(MD)No.112 of 2017, the patta, as on today, shall continue to be in the name of the fourth respondent.



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(ii) Depending upon the result in O.S.No.158 of 2020,

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tha parties are at liberty to approach the revenue authorities again.

6. In view of the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

05.08.2022

Index : Yes / No
Internet : Yes / No
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To

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- 3.The Tahsildar,
Thiruvaiyaru Taluk,
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R.VIJAYAKUMAR ,J.



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Order made in
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