



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.8895 of 2011
and
M.P(MD)No.2 of 2011

1.P.S.Mani

2.P.S.Pandian

3.P.S.Ayyanathan

... Petitioners

Vs

1.The District Collector,
Theni, Theni District.

2.The District Revenue Officer,
Theni, Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

4.The Tahsildar,
Bodinayakkanur,
Theni District.

5.Karuppiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.40851/2010/D4, dated 08.11.2010 and quash the same as illegal and arbitrary and consequently direct the 4th respondent to issue the patta in favour of the petitioner regarding the property in Survey No.537/6, Melachokkanathapuram, Bodinayakkanur Town.

For Petitioner	: No appearance
For Respondent	: Mr.N.Ramesh Arumugam,
Nos.1 to 4	Government Advocate
For Respondent	: Mr.Herold Singh
No.5	



ORDER

This writ petition has been filed as against the order dated 08.11.2010 passed by the DRO, Theni, rejecting the appeal of the petitioner.

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2.The DRO, Theni vide his proceedings dated 08.11.2010 has rejected the appeal of the petitioner for grant of patta in favour of the petitioner, on the ground that civil suit is pending between the parties and the petitioner has to work out his remedy before the civil Court concerned. Aggrieved over the same, the present writ petition is filed.

3.There is no representation for the petitioner. The learned Counsel for the fifth respondent submits that on the subject mentioned suit property, a suit in O.S.No.9 of 2009 was filed before the District Munsif, Bodinayakkanur and the same was decreed in favour of the fifth respondent vide judgment and decree dated 21.12.2015. The learned Counsel further submits that the fifth respondent is no more and therefore, he is unable to find out whether any appeal was filed as against the judgment and decree dated 21.12.2015 in O.S.No.9 of 2009 on the file of the District Munisif, Bodinayakkanur.

4.This Court is satisfied with the submission made on behalf of the fifth respondent that on the very same subject property, a suit was filed and it was decreed in favour of the fifth respondent. Therefore, this Court is of the view that no further order is required to be passed in this writ petition.

5.In view of the above, this writ petition stands dismissed, with liberty to the petitioner to work out his remedy before the appropriate civil forum. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CRL.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

1.The District Collector,
Theni, Theni District.



2.The District Revenue Officer,
Theni, Theni District.

3.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

4.The Tahsildar,
Bodinayakkanur,
Theni District.

+1 CC to M/s.SPL.GP (SR-17880[F] dated 11/04/2022)

+1 CC to M/s.S.C. HEROLD SINGH, Advocate (SR-17770[F] dated
11/04/2022)

W.P(MD)No.8895 of 2011
08.04.2022

SG(CO)
KB(27.04.2022) 3P 7C