



W.P(MD)No.13840 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13840 of 2013
and
M.P(MD)Nos.1 and 2 of 2013

Panapandi

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.Alagarsamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the first respondent dated 12/2/2013 pertaining to the impugned Patta No.1316 in respect of the property comprised in S.No.61/5, Kalloothu Village, Usilampatti Taluk, Madurai District and quash the same.

For Petitioner : Mr.R.G.Shankar Ganeshan

For R1 : Mr.A.Baskaran
Additional Government Pleader

For R2 : No Appearance



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ORDER

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The present writ petition has been filed challenging an order passed by the first respondent herein, under which patta standing in the name of the writ petitioner and his brothers was transferred in the name of the second respondent.

2. According to the learned counsel for the petitioner, the property originally belonged to one Alagumalai, who is the grand-father of the writ petitioner. The said Alagumalai had executed a registered settlement deed in favour of the writ petitioner on 30.08.2001 and thereafter, he had unilaterally cancelled the same on 23.08.2003. After cancellation, the said Alagumalai has executed a registered settlement deed in favour of the second respondent herein on 23.08.2003. Challenging the said cancellation, the petitioner had filed O.S.No.63 of 2009 on the file of District Munsif cum Judicial Magistrate No.I, Usilampatti. The petitioner was the plaintiff in the said suit. The second respondent herein was the second defendant in the said suit. The said suit was filed for a relief of declaration of title and consequential permanent injunction. The defendants in the said suit have remained ex-parte and the suit was decreed as prayed for in favour of the writ petitioner on 27.10.2009.



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3. According to the learned counsel for the petitioner, based upon the Civil Court decree, the first respondent herein has granted patta in favour of the writ petitioner and his brothers in Patta No.1417.

4. Supressing the said Civil Court decree, the second respondent herein has again approached the first respondent for transfer of patta in his name. The first respondent herein without any notice to the writ petitioner, had passed an order, thereby, he had deleted the name of the writ petitioner and his brothers and issued a patta in the name of the father of the second respondent in Patta No.1316. This order is under challenge in the present writ petition.

5. Though on several occasions, this writ petition was adjourned for the appearance of the second respondent herein, there is no appearance on his side.

6. A narration of the above said events will clearly disclose that there is a Civil Court decree in O.S.No.63 of 2009 on the file of District Munsif cum Judicial Magistrate No.I, Usilampatti for a declaration of



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title and permanent injunction in favour of the writ petitioner. In the said suit, the second respondent is shown as the second defendant. In view of the Civil Court decree, the revenue authorities are bound by the said decree and patta should have been continued in the name of the writ petitioner. However, without notice to the writ petitioner, the first respondent herein has cancelled the said Patta No.1417 and granted an exclusive patta in the name of the second respondent's father in Patta No.1316.

7. In view of the above said facts, this Writ Petition stands allowed. The first respondent is directed to restore the patta in the name of the petitioner and his two brothers in Patta No.1417. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.09.2022

Index : Yes / No
Internet : Yes / No

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To

The Tahsildar,
Usilampatti Taluk,
Madurai District.



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R.VIJAYAKUMAR ,J.

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Order made in
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26.09.2022