



W.P(MD)No.16864 of 2012

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16864 of 2012

1.Muthammal

2.Bose

3.Petchi

4.Alagammal

5.Muthammal

6.Periasamy

... Petitioners

Vs.

1.The District Revenue Officer,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.K.R.Mohammed Ali

5.K.R.Shajahan

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6.K.R.Akbar

7.K.R.Mohammed Iqbal

8.K.R.Ashokan

9.K.R.Sabiya

10.K.R.Sirajudeen

11.K.R.Bowsiya

... 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 records relating to the impugned order dated 12/05/2004 in R.P No.25 of 2003/ G2 (Na.Ka.104208) passed by the first respondent and quash the same.

For Petitioner	: Mr.J.Barathan
For R1 - R3	: Mr.D.Sasikumar Additional Government Pleader
For R6 & R10	: Mr.Babu Rajendran
For R4,R7-R9	: No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein on 12.05.2004, under which a patta standing in the name of the writ petitioners was transferred in the name of the private respondents.



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2. According to the learned counsel for the petitioners, they are the absolute owners of the property and the effort taken by the private respondents to secure a decree before the Civil Court has been unsuccessful on many occasions.

3. According to the learned counsel for the petitioners, various Civil Court decrees were placed before the first respondent. However, no findings have been rendered by the first respondent with regard to the effect of the Civil Court decrees. Without even considering the Civil Court decrees, the present impugned order has been passed in favour of the private respondents. Hence, they sought for remitting the matter back to the first respondent herein for a fresh consideration in the light of the Civil Court decrees.

4. Per contra, the learned counsel for the 6 to 10 respondents had contended that the Civil Court decrees will not affect the title of the private respondents and those decrees have nothing to do with the property in dispute.



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5. I have carefully considered the submissions made on either side.

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6. A perusal of the impugned order indicates that the writ petitioners herein as respondents in the revision before the first respondent herein, have specifically taken a plea that they have been successful before the Civil Court and the decrees have attained finality. Though the said fact has been recorded as a submission of the respondents in the impugned order, there is no discussion on the part of the first respondent herein while passing the impugned order. I find that the order is bereft of any details without a discussion relating to the Civil Court decree. Hence, the revenue authorities cannot decide the issue of patta.

7. In view of the above said facts, this Writ Petition is allowed and the same is remitted back to the file of the first respondent to pass orders afresh on merits and in accordance with law, after affording due opportunity to the writ petitioner as well as the respondents 4 to 11 in the writ petition. At the time of considering the submission on either side, the first respondent shall also take into consideration the decrees passed by the Civil Court. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With the above said observations, this Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No

To

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

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