



W.P(MD)Nos.1423 and 1424 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.1423 and 1424 of 2013

and

M.P(MD)Nos.1,1,2 and 2 of 2013

Ramalingam

... Petitioner
(In W.P(MD)No.1423 of 2013)

L.Palaniammal (Died)

1.Illamaran

2.Elenezahian

3.Tamilselvi

4.Karuppiah

... Petitioners
(In W.P(MD)No.1424 of 2013)

(P1 to P4 are impleaded vide Court order, dated
05.08.2022 in W.M.P(MD)No.12197 of 2022)

Vs.

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.



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3.The Tahsildar,
Karaikudi,
Sivagangai District.

4.Subbiah

5.M.Karuppiah

6.Ayyakannu

7.M.Meyyar

8.C.Sekar

9.M.Rajendran

10.Aru.Kalimuthu

11.K.Durairaj

... Respondents
(In both cases)

COMMON 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 relating to the impugned proceedings of the first respondent dated 05.12.2012 Pa.Mu.P.1-18230-2011 and quash the same.

For Petitioner	: Mr.vr.Shanmuganathan (In Both Cases)
For R1 - R3	: Mr.N.Muthuvijayan Special Government Pleader (In Both Cases)
For R6 & R8	: Mr.T.Ponram Kumar (In Both Cases)



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For R4,R5,R7,R10,R11 : No Appearance
(In W.P(MD)No.1423 of 2013)

For R5,R7,R10 : No Appearance
(In W.P(MD)No.1424 of 2013)

COMMON ORDER

Both the writ petitions have been filed challenging an order passed by the first respondent herein, under which the request of patta in favour of the writ petitioners was rejected, citing a judgment in A.S.No.144 of 1996 on the file of this Court, dated 01.12.2008.

2. According to the learned counsel for the petitioners, the private respondents in the writ petition had approached the Tahsildar, who passed an order, dated 27.06.1991 effecting transfer of patta in the name of the private respondents. Thereafter, the petitioners have approached the Revenue Divisional Officer, Devakottai. The said appellate authority, by his order, dated 20.05.2011 had refused to exercise his jurisdiction and directed the parties to await for the disposal of the proceedings pending before the competent Civil Court. This order was again challenged by the writ petitioner before the first respondent herein. The first respondent, by his order, dated 05.12.2012 has passed an order granting patta in favour of the private respondents relying upon the



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judgment in A.S.No.144 of 1996, dated 01.12.2008 on the file of this Court.

3. The learned counsel for the petitioners had submitted that the first respondent herein relied upon a judgment of this Court in A.S.No. 144 of 1995, dated 01.12.2008 to reject the claim of the petitioners for patta. However, the writ petitioners have filed a review application as against the judgment and decree in A.S.No.144 of 1996. The said review application was numbered as Rev.Apln(MD)No.171 of 2018. The learned Single Judge of this Court has passed an order on 04.12.2018 allowing the review application and dismissed A.S.No.144 of 1996 and restored the judgment in O.S.No.113 of 1991, dated 31.08.1995. In effect by allowing the review application, this Court has granted a decree for declaration of title and permanent injunction in favour of the writ petitioners for the survey numbers in dispute. Hence, according to the learned counsel for the petitioners, the order impugned in the writ petition is not legally sustainable.

4. The learned counsel for the respondents 6 and 8 had contended that the first respondent herein had passed the impugned order not only



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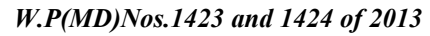
relying upon the judgment of this Court in A.S.No.144 of 1996, but also on various other aspects. Hence, the matter need not be reconsidered by the first respondent herein.

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

6. With regard to the extent of land in the disputed survey numbers, as on today, there is a Civil Court decree in O.S.No.113 of 1991 on the file of the Sub Court, Devakottai, dated 31.08.1995. The appeal filed by the defendants therein has been dismissed by this Court. Once there is a Civil Court decree relating to the disputed survey numbers, the revenue authorities have to grant patta in consonance with the Civil Court decree.

7. In view of the above said facts, I find that the order impugned in the writ petition, which is solely based upon the judgment in A.S.No.144 of 1996 is liable to be set aside.

8. The order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent herein for fresh



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Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)Nos.1423 and 1424 of 2013

Dated:
17.08.2022