



W.P(MD)No.17766 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17766 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

S.Sathya

... Petitioner

Vs.

1.The District Revenue Officer,
O/o. The District Revenue Officer,
Sivagangai District,
Sivagangai.

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

3.The Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam Post,
Sivagangai District.

4.Theiventhiran

... 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 in pursuant to the impugned order passed by the second respondent in Moo.Mu.A3/6162/2013 dated 15.10.2013.



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For Petitioner : Mr.M.Saravana Kumar
For R1 - R3 : Mr.M.Linga Durai
Special Government Pleader
For R4 : M/s.P.Jessi Jeeva Priya

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which the patta standing in the name of the writ petitioner was cancelled at the instance of the fourth respondent herein.

2. According to the learned counsel for the petitioner, he has purchased the property under a public auction from the Tamil Nadu Industrial Investment Corporation Limited (TIIC) by way of a sale deed, dated 27.09.2012. Based upon the said sale deed, patta was issued in favour of the writ petitioner by the third respondent herein. Thereafter, the fourth respondent claiming himself to be a grand-son of one Mookayi, lodged a complaint before the second respondent herein for cancellation of the said patta.



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3. The second respondent herein relied upon the pendency of O.S.No.142 of 2013 on the file of the District Munsif Court, Manamadurai between the fourth respondent and the writ petitioner herein and proceeded to cancel the said patta. This order is impugned in the present writ petition.

4. The learned counsel for the petitioner brought to the notice of the Court that O.S.No.142 of 2013 that was pending on the file of Principal District Munsif Court, Manamadurai was dismissed for default on 08.04.2015. The said suit has been filed by the fourth respondent herein for seeking relief of permanent injunction as against the writ petitioner and other persons. The said suit has been dismissed for default on 08.04.2015 and the same has not been restored so far.

5. The petitioner has purchased the property in a public auction conducted by a statutory body and a registered sale deed has also been executed by the said statutory body in favour of the writ petitioner on 27.09.2012. Hence, any right of the fourth respondent has to be adjudicated only before the competent Civil Court. In the present case, the civil suit filed by the fourth respondent herein has already been dismissed for default on 03.04.2015.



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6. In view of the above said facts, the order impugned in the writ petition is set aside and the official respondents are directed to restore the patta in the name of the writ petitioner. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

14.10.2022

Index : Yes / No
Internet : Yes / No
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To

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2. The Revenue Divisional Officer,
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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.17766 of 2013

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