



W.P(MD)No.4261 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4261 of 2013

and

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

M.Muthurathinavel

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Paramakudi Revenue Division,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Kadaladi, Kadaladi Taluk,
Ramanathapuram District.
- 5.The District Registrar,
Ramanathapuram District,
Ramanathapuram.



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6.The Sub-Registrar,
Sayalkudi, Kadaladi Taluk,
Ramanathapuram District.

7.A.Vijayavelar (Died)

8.V.Alagumuthuvelar

... Respondents

(Respondent No.8 is substituted, vide Court order, dated 31.10.2022, in W.M.P(MD)No.17607 of 2022 in W.P(MD)No.4261 of 2013)

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 pertaining to the impugned order of the fourth respondent in Ne.Mu.Pe4/3099/2010, dated 04.01.2013 and quash the same.

For Petitioner : M/s.K.C.Ramalingam

For R-1 to R-6 : M/s.M.Lingadurai
Special Government Pleader

For R-7 : Died

For R-8 : No appearance

ORDER

The present Writ Petition has been filed challenging the order passed by the fourth respondent herein, under which, the patta standing in the name of the writ petitioner has been transferred to the name of the



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seventh respondent herein. Pending writ petition, the seventh respondent had passed away and his son has been impleaded as the eighth respondent herein.

2. According to the learned Counsel for the petitioner, he had purchased the property from the seventh respondent on 09.10.1998. Thereafter, the son of the seventh respondent, namely, the eighth respondent has sold the property to one Abdul. Hence, the petitioner was constrained to file O.S.No.30 of 2010 on the file of the District Munsif Court, Mudhukulathoor for the relief of declaration of title and permanent injunction. The said suit was decreed by the trial Court on 16.10.2015. Challenging the same, the said Abdul had filed A.S.No.42 of 2017 before the Subordinate Court, Mudhukulathoor. The learned Subordinate Judge was pleased to dismiss the first appeal on 29.11.2019. As against the same, the said Abdul had filed second appeal in S.A(MD)No.543 of 2021 before this Court and the second appeal was also dismissed on 23.02.2022.



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3. According to the learned Counsel for the petitioner, the sale deed executed by the eighth respondent in favour of Abdul has been declared to be not valid and the title of the writ petitioner has been upheld by this Court in S.A(MD)No.543 of 2021. Hence, the order of the fourth respondent herein is liable to be set aside.

4. Though the eighth respondent was served, there is no representation on the side of the eighth respondent herein.

5. In view of the judgment of this Court in S.A(MD)No.543 of 2021, dated 23.02.2022, the title of the writ petitioner herein has been upheld and a decree for permanent injunction has also been granted in favour of the writ petitioner. In view of the judgment of this Court, the order impugned in the writ petition is set aside. The fourth respondent is directed to grant patta in favour of the writ petitioner.



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6. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

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Index : Yes / No
Internet : Yes / No
btr

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btr

6.The Sub-Registrar,
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Order made in
W.P(MD)No.4261 of 2013

08.11.2022