



W.P.(MD).No.8558 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).No.8558 of 2013
M.P(MD).Nos.1 & 2 of 2013**

1.Chidambaram

2.Logambal Aachi

....Petitioners

Vs

1.The District Revenue Officer
Sivagangai District, Sivagangai

2.The Revenue Divisional Officer
Devakottai, Sivagangai District

3.The Tahsildhar
Devakottai, Sivagangai District

4.S.Rajagopalan

5.S.Madhavan

6.S.Senthilnathan

7.S.Sivaraman

8.S.Manoranjitham

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order passed



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by the first respondent dated 05.04.2013 in Pa.Mu.P1/30458-2012 and quash the same.

For Petitioners : Mr.VR.Shanmuganathan
For R1 to R3 : Mr.A.Sivanupandian
Additional Government Pleader
R4 : Died
For R5 to R8 : Mr.J.Anandkumar

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which he has transferred the patta standing in the name of the writ petitioners to the name of the private respondents 4 to 8 herein.

2.According to the learned counsel for the petitioners, the private respondents have filed O.S.No.49 of 2012 on the file of the District Munsif, Devakottai for the relief of declaration of title and permanent injunction. In the said suit, the writ petitioners are arrayed as defendants 1 and 2. The said suit was dismissed on 16.07.2018. The private respondents herein have filed A.S.No.50 of 2018 on the file of the Subordinate Court, Devakottai and the said appeal was also dismissed on 21.12.2020 confirming the judgement and decree of the trial Court. As against the same, the private respondents have filed S.A.(MD).No.415 of 2021 and the same is pending before this Court.



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3.The learned counsel for the petitioners had further submitted that though the order of District Revenue Officer was passed on 05.04.2013, in view of the interim order passed by this Court at the time of admission, patta has not been transferred in the name of the private respondents and they continue in the name of the writ petitioners.

4.In view of the above said facts and considering the fact that the private respondents have lost their case before the Courts below and the second appeal filed before this Court is still pending, this Court passes the following orders:

(i). Till the disposal of S.A(MD).No.415 of 2021, patta shall remain in the name of the writ petitioners.

(ii). After disposal of the second appeal, the parties are at liberty to approach the Revenue Authority for mutation of records based upon the result in the second appeal.

5.With the above said observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes/No
Index : Yes/No
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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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