



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3016 of 2022

1.S.Kulanthaisamy

2.M.Palanisamy

.. Petitioners

Vs

1.The District Revenue Officer,
Karur District, Karur.

2.The Revenue Divisional Officer,
Karur.

3.The Tahsildar,
Tahsildar Office,
Pugalur.

4.P.K.Kannammal

5.K.Sree Shakthi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to issue patta for the petitioners in respect of an extent of 1 acre and 94 ½ cents in S.No.259, Punnam Village, Pugalur Taluk (earlier Aravakurichi Taluk), Karur District, by virtue of the proceedings of the 1st respondent in Na.Ka.C3/3929/2013, dated 07.05.2014 by considering the petitioners' representation, dated 15.08.2021.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.M.Lingadurai for R1 to R3
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to consider the petitioners' representation dated 15.08.2021, seeking for issuance of patta in their name in respect of the property measuring an extent of 1 acre and 94 ½ cents in S.No.259, Punnam Village, Pugalur Taluk (earlier Aravakurichi Taluk), Karur District, by virtue of the proceedings of the first respondent dated 07.05.2014, within a time frame to be fixed by this Court.



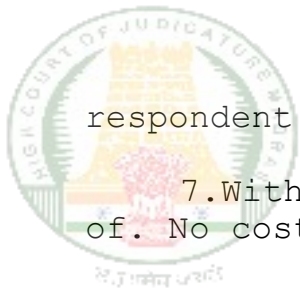
2.It is the case of the petitioners that by order dated 07.05.2014, passed by the first respondent, the patta issued in favour of the 4th and 5th respondents was directed to be cancelled by the Tahsildar and fresh patta has to be issued thereafter in favour of the petitioners. It is also the case of the petitioners that the civil suit filed by the 4th and 5th respondents against the petitioners with regard to the very same property came to be dismissed by the Judgment and Decree dated 30.10.2018, passed by the learned Principal District Munsif, Karur in O.S.No.181 of 2014. Since the order dated 07.05.2014, passed by the first respondent has not been complied with till date, this writ petition has been filed.

3.Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4.The petitioners have produced before this Court the order of the first respondent dated 07.05.2014, under which the patta for the said property earlier standing in the name of the 4th and 5th respondents was ordered to be cancelled and fresh patta to be issued in the name of the petitioners. The petitioners have also produced the judgment and decree dated 30.10.2018, passed in the suit in O.S.No.181 of 2014 on the file of the Principal District Munsif Court, Karur. As per the said judgment, the suit filed by the 4th and 5th respondents against the petitioners came to be dismissed.

5.No prejudice will be caused to the official respondents, if the petitioners' representation dated 15.08.2021, seeking for issuance of patta in their name in respect of the property measuring an extent of 1 acre and 94 ½ cents in S.No.259, Punnam Village, Pugalur Taluk (earlier Aravakurichi Taluk), Karur District, in the light of the order dated 07.05.2014, passed by the first respondent referred to supra and in the light of the judgment and decree passed by the Principal District Munsif Court, Karur, on 30.10.2018 in O.S.No.181 of 2014, is considered on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the 4th and 5th respondents and any other rival claimant, within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the third respondent to consider the petitioners' representation dated 15.08.2021, seeking for issuance of patta in their name for the aforesaid property, in the light of the order dated 07.05.2014, passed by the first respondent and in the light of the judgment and decree dated 30.10.2018, passed in O.S.No.181 of 2014, on the file of the Principal District Munsif Court, Karur and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the respondents 4 and 5 and any other rival claimant, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that the



respondent to substantiate their case.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Revenue Officer,
Karur District, Karur.
2. The Revenue Divisional Officer,
Karur.
3. The Tahsildar,
Tahsildar Office, Pugalur.

+1 CC to M/s.SPL GP (SR-6813[F] dated 17/02/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-6660[F] dated 17/02/2022)

W.P. (MD)No.3016 of 2022

16.02.2022

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