



W.A.(MD) No.1022 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.(MD) No.1022 of 2022

and

C.M.P.(MD) No.8238 of 2022

M.Paulraj

... Appellant

-VS-

1.M.Shanmugavel

2.G.Periyakaruppan

3.The District Revenue Officer
Tuticorin, Tuticorin District

4.The Revenue Divisional Officer
Kovilpatti
Tuticorin District

5.The Tahsildar
Vilathikulam Taluk
Tuticorin District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.06.2022, passed in W.P.(MD) No.1306 of 2017, on the file of this Court.



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For Appellant : Mr.M.Saravanan
For Respondents : Mr.Jerin Mathew for R1 & R2
Mr.V.Nirmal Kumar
Government Advocate for R3 to R5

J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN, J.]

This writ appeal is filed challenging the order, dated 08.06.2022, passed in W.P.(MD) No.1306 of 2017.

2. The issue on hand relates to cancellation of Patta issued in the name of the respondents 1 and 2 herein, in respect of the property comprised in Old Survey No.214/1 and New Survey No.486/5 of Kulathur Village, Vilathikulam Taluk, Tuticorin District.

3. The learned Single Judge, after hearing both sides, by order dated 08.06.2022, finding that in the earlier round of litigation in W.A.(MD) No.1271 of 2016, a Division Bench of this Court directed the District Revenue Officer, Tuticorin, to dispose of the appeal filed by the appellant herein after hearing both parties *viz.*, appellant as well as the respondents 1 and 2 herein



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and since the Revenue Divisional Officer, Kovilpatti, instead of the District Revenue Officer, Tuticorin, had passed an order rejecting the mutation of Patta issued in the name of the respondents 1 and 2 and putting the appellant in their place, which is in clear violation of the directions issued by the Division Bench of this Court in W.A.(MD) No.1271 of 2016 and in violation of the principles of natural justice, as the respondents 1 and 2 herein were not given an opportunity of hearing, allowed the writ petition filed by the respondents 1 and 2 herein and set aside the order dated 19.12.2016, passed by the Revenue Divisional Officer, Kovilpatti, Tuticorin District, mutating the Patta in the name of the respondents 1 and 2 herein.

4. That apart, since the appellant has filed a suit in O.S.No.150 of 2015, before the Sub Court, Kovilpatti, seeking the relief of declaration and permanent injunction and the same is stated to be pending consideration, the learned Single Judge directed the Trial Court to dispose of the suit in O.S.No. 150 of 2015, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of the order.

5. After hearing the learned counsel on either side and carefully perusing the materials available on record, we are of the view that the above



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directions issued by the learned Single Judge do not warrant interference of this Court. Hence, we are not inclined to interfere with the order dated 08.06.2022 passed in W.P.(MD) No.1306 of 2017 by the learned Single Judge, instead, since the appellant herein has already filed a suit in O.S.No.150 of 2015, before the Sub Court, Kovilpatti, seeking the relief of declaration and permanent injunction and the same is stated to be pending consideration, we direct the learned Sub Judge, Kovilpatti, to dispose of the suit in O.S.No.150 of 2015, filed by the appellant herein, on merits and in accordance with law, as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this judgment, purely on merits.

6. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

13.09.2022

Index : Yes / No

Internet : Yes / No

Note to Office :

Mark a copy of this Judgment to the Sub Judge, Kovilpatti.

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