



Rev.Apl.W(MD)No.106 of 2022
in
W.P.(MD)No.13391 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W(MD)No.106 of 2022
in
W.P.(MD)No.13391 of 2022
and
W.M.P.(MD)No.22397 of 2022

Devadoss

... Petitioner

Vs.

1.S.Palavesamuthu

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Cheranmahadevi Revenue Division,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Nanguneri Taluk Officer,
Nanguneri,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., praying to review the order dated 11.07.2022 passed in W.P. (MD)No.13391 of 2022 on the file of this Court.

For Petitioner : Mr.R.Mohanasundaram

For R1 : Mr.M.Karthikeya Venkatachalapathy

For R2 to R4 : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The first respondent herein filed W.P.No.13391 of 2022 seeking issuance of legal heir certificate. The said writ petition was allowed by me vide order dated 11.07.2022. Seeking review of the same, the present writ petition has been filed.

3. The learned counsel appearing for the review applicant reiterated all the contentions set out in the grounds of review.



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4. His specific submission is that the review applicant is a necessary party and that the first respondent herein had obtained an order behind his back.

5. Though the said contention appeals to me, I am not in a position to allow the review application. This is for the simple reason that the order passed by me was only to direct the jurisdictional Tahsildar to issue legal heir certificate in consonance with the decree made in O.S.No.165 of 2011 on the file of the Principal District Munsif cum Judicial Magistrate, Nanguneri. So long as the judgment and decree passed by the jurisdictional civil Court is holding the field, the revenue authority has to necessarily act in tune with the same. The review applicant states that he has since filed an appeal challenging the validity of the said decree. He is also said to have filed an independent suit for declaration that the judgment and decree made in O.S.No.165 of 2011 is null and void. I make it clear that the order passed by me in the writ petition will not foreclose the rights of the review applicant. The rights of the parties will abide by the eventual outcome of the civil proceedings said to have been instituted by the review applicant.



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G.R.SWAMINATHAN, J.

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6. With this clarification, the review application is disposed of.

Consequently, connected miscellaneous petition is closed.

21.12.2022

Index : Yes/No

Internet : Yes/No

rmi

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi Revenue Division,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
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