



W.P.(MD)No.430 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.430 of 2021

Chinnakalai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
the Office of Revenue Divisional Officer,
Usilampatti.

2.Mayakkal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus or Direction directing the 1st respondent to consider the petitioner's representation dated 22.12.2020 raising objection not to conduct any enquiry on 05.01.2021 and on subsequent dates in his proceedings in Na.Ka.No.5576/2020/A2 regarding the cancellation of patta issued in favour of the petitioner in patta No.1929 in respect of S.No.228/2 measuring 0.53.5 ares situated at Perungamanalloor Village Peraiyur Taluk Madurai District.



WEB COPY



W.P.(MD)No.430 of 2021

For Petitioner : Mr.PT.S.Narendravasan

For R-1 : Ms.S.Jeyapriya
Government Advocate

For R-2 : Mr.D.Malaichamy

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to consider the objections raised by the petitioner through the representation dated 22.12.2020 and consequently, not to cancel the patta issued in favour of the petitioner with respect to the subject property in Patta No.1929.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The learned counsel appearing for the petitioner submitted that the first respondent should not pass any final orders in the appeal filed by the second respondent in view of the pendency of the suit in O.S.No.75 of 2020 on the file of the District Munsif Court, Peraiyur. The learned



W.P.(MD)No.430 of 2021

counsel appearing for the petitioner submitted that the second respondent is the sixth defendant in the said suit.

WEB COPY

3. Per contra, the learned counsel appearing for the second respondent submitted that the petitioner is trying to preempt a decision that is going to be taken by the first respondent based on the appeal filed by the second respondent seeking for cancellation of the patta issued in favour of the petitioner. Therefore, the learned counsel submitted that the first respondent has to consider the objections given by the petitioner and take a decision.

4. The learned Government Advocate appearing on behalf of the first respondent submitted that the appeal filed by the second respondent and the objections given by the petitioner is now pending before the first respondent and that a decision will be taken by the first respondent in accordance with law.

5. Taking into consideration the facts and circumstance of the case and without going into the merits of the case, it is left open to the first



W.P.(MD)No.430 of 2021

respondent to take a decision on the appeal filed by the second respondent after considering the objections given by the petitioner on its own merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions.

No costs.

10.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

The Revenue Divisional Officer,
the Office of Revenue Divisional Officer,
Usilampatti.



WEB COPY



W.P.(MD)No.430 of 2021

N.ANAND VENKATESH, J.

tsg

W.P.(MD)No.430 of 2021

10.10.2023