



WP(MD)Nos.15983, 19873 and 19874 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)Nos.15983, 19873 and 19874 of 2013

and

M.P.(MD)Nos.1,1,1,2,2 and 2 of 2013

W.P.(MD)No.15983 of 2013

A.Mohamed Ashique Mustafa

... Petitioner

/vs/

- 1.The District Revenue Officer,
O/o.The District Revenue Officer,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Collectorate, Madurai.
- 3.The Tahsildar,
Madurai North Taluk Office,
Collectorate, Madurai.
- 4.The Sub-Registrar,
O/o. The Thamaraipatti Sub-Registrar,
Thirumogur Road,
Y.Othakadai, Madurai.
- 5.Ramasubramanian



WP(MD)Nos.15983, 19873 and 19874 of 2013

6.Raja Mannar

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in pursuant to the impugned order passed by the first respondent in Revision Petition No.28969/2010/G2 dated 06.02.2013 and quash the same and consequently direct the respondents 1 to 3 to consider the petitioner's sale deed and other documents under Tamil Nadu patta pass Book Act and to issue Patta in Petitioner's name in respect of the property situated in old S.No.115/5, R.S.No.47/5 in Kadachanenthal Village, Narasingam III pit, Madurai North Taluk, Madurai District to an extent of 2 Acres 85 cents.

For Petitioner : Mr.M.Saravanakumar

For R1 to R4 : Mr.N.Sathis Kumar
Additional Government Pleader

For R5 and R6 : Mr.K.P.Thiyagarajan

W.P.(MD)No.19873 of 2013

1.V.Soma Sundaram Pillai (died)

2.S.Mayilvaganan

3.S.Kannan

... Petitioner

*(Petitioners 2 and 3 are substituted vide
Court order dated 19.10.2022 in
W.M.P.(MD)No.18283 of 2022)*

/vs/



WP(MD)Nos.15983, 19873 and 19874 of 2013

- 1.The District Revenue Officer,
O/o.The District Revenue Officer,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Collectorate, Madurai.
- 3.The Tahsildar,
Madurai North Taluk Office,
Collectorate, Madurai.
- 4.The Sub-Registrar,
O/o. The Thamaraipatti Sub-Registrar,
Thirumogur Road,
Y.Othakadai, Madurai.
- 5.S.Nadarajan
- 6.Baskar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in Revision Petition No. 27403/2010/G2 dated 06.02.2013 and quash the same and consequently direct the respondents to issue patta in Petitioner's name in respect of the property situated in R.S.No.46/6, 47/5, 47/6A, 47/6B, 25/3, 33/7, 5/2A1, 5/2A2, 5/2B, 19/17A, 16/2, 19/4, 46/7 and 11/5, Kadachanenthall Village, Narasingam III Bit, Madurai North Taluk, Madurai District.



WP(MD)Nos.15983, 19873 and 19874 of 2013

For Petitioner : Mr.M.Saravanakumar
For R1 to R4 : Mr.N.Sathis Kumar
Additional Government Pleader
For R5 and R6 : Mr.D.Anbarasu

W.P.(MD)No.19874 of 2013

1.V.Soma Sundaram Pillai (died)
2.S.Mayilvaganan
3.S.Kannan

... Petitioner

*(Petitioners 2 and 3 are substituted vide
Court order dated 19.10.2022 in
W.M.P.(MD)No.18283 of 2022)*

/vs/

- 1.The District Revenue Officer,
O/o.The District Revenue Officer,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Collectorate, Madurai.
- 3.The Tahsildar,
Madurai North Taluk Office,
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- 4.The Sub-Registrar,
O/o. The Thamaraipatti Sub-Registrar,
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WP(MD)Nos.15983, 19873 and 19874 of 2013

5.Xavier Sundaram
W/o.M.L.Sundaram

6.K.Bhuvanenthiran

7.Meharunishi Begum

8.Kadar Mohideen

9.K.Nowshad Begum

10.K.Bahurudeen

11.K.Munavardeen

12.K.Nazira Begum

13.Annalakshmi

*(Respondents 7 to 12 are impleaded vide
Court order dated 19.10.2022 in
W.M.P.(MD)No.6019 of 2022)*

*(Respondent No.13 is substituted vide
Court order dated 06.12.2022 in
W.M.P.(MD)No.20834 of 2022)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in Revision Petition No. 43882/2008/G2 dated 06.02.2013 and quash the same so far as the petitioner is concerned and consequently direct the respondents to issue patta in Petitioner's name in respect of the property situated in R.S.No.46/6, 47/5, 47/6A, 47/6B, 25/3, 33/7, 5/2A1, 5/2A2, 5/2B, 19/17A, 16/2, 19/4, 46/7 and 11/5, Kadachanenthal



WP(MD)Nos.15983, 19873 and 19874 of 2013

Village, Narasingam III Bit, Madurai North Taluk, Madurai District.

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For Petitioner : Mr.M.Saravanakumar
For R1 to R4 : Mr.N.Sathis Kumar
Additional Government Pleader
For R5 and R6 : Mr.D.Anbarasu
For R7 to R12 : Mr.Thiruvavutselvan

COMMON ORDER

These Writ Petitions have been filed challenging the order of the first respondent dated 06.02.2013, confirming the order passed by the second respondent dated 07.03.2008.

2.The case of the petitioner is that the land in old S.No.115/5 and R.S.No. 47/5 in Kadachanenthall Village, Narasingam III pit, Madurai North Taluk, Madurai District, belong to one Somasundaram - the petitioner and thirteen others and that his father had purchased the same from them by a registered sale deed in document No.1508/2005 and that from the date of purchase they have been in possession of the property. As there were some interference in the enjoyment, the petitioners initiated a suit in O.S.No.150 of 1998 on the file of the District



WP(MD)Nos.15983, 19873 and 19874 of 2013

Munsif, Melur. The said suit was decreed as ex-parte by a judgment and decree dated 29.11.2001. Pursuant to the same, he had approached the third respondent herein who had issued patta in the name of the petitioner. Thereafter, the respondents 5 and 6 herein, aggrieved against the same, had preferred an appeal before the Revenue Divisional Officer(RDO) and the RDO erroneously cancelled the patta issued in favour of the petitioners. Against which the petitioners had preferred an appeal to the first respondent who had also confirmed the order passed by the RDO. Therefore, the present writ petition.

3.Countering his argument, the learned counsel appearing on behalf of the respondents 5 and 6 would submit that the ex-parte decree passed by the judgment dated 29.11.2001 has been set aside on application made by them and subsequently after trial, the said suit has been dismissed on merits on 04.06.2018 and the petitioner had also filed an first appeal suit in A.S.No.113 of 2018 on the file of the Subordinate Court, Melur and the same is pending adjudication.

4.In view of the aforesaid pendency of civil proceedings as to the title of the property, the orders passed by the Tahsildar in RPR No.2722/2001-2002 and the orders passed by the second respondent dated 07.03.2008 and the first respondent dated 06.02.2013 shall be kept in abeyance pending A.S.No.113 of



WP(MD)Nos.15983, 19873 and 19874 of 2013

2018 on the file of the Subordinate Court, Melur. After conclusion of the civil proceedings between the parties, they are at liberty to approach the revenue authorities for mutation of revenue records in consonance with the order passed in the same.

5. With the above direction, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

03.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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WP(MD)Nos.15983, 19873 and 19874 of 2013

To

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WP(MD)Nos.15983, 19873 and 19874 of 2013

K.KUMARESH BABU, J.

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Order made in
W.P.(MD)Nos.15983, 19873 and 19874 of 2013
and
M.P.(MD)Nos.1,1,1,2,2 and 2 of 2013

03.01.2023