



W.P.(MD)No.9377 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9377 of 2012
and M.P.(MD)No.1 of 2012

Puspavalli (died)

1. Lakshakumar
2. Shanthi
3. Jayashankar
4. Sureshkumar
5. Shanmugaraja

... Petitioners

versus

1. The District Collector,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram.
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Tahsildar,
Ramanathapuram.
5. S.Ramalingam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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seeking for the issuance of Writ of Certiorarified Mandamus, to call for the order of the 2nd respondent in Na.Ka.B5/18281/2012, dated 05.06.2012 and to quash the same as illegal and further direct the 2nd respondent to give opportunity to the petitioner before passing orders in the appeal filed by the 5th respondent in Na.Ka.A6/3446/2009 dated 12.03.2012.

For Petitioners : Mr.K.R.Laxman
For R1 to R4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
For R5 : Mr.R.Jegadeeswaran

ORDER

This writ petition is filed as against the order dated 05.06.2012 passed by the second respondent/the District Revenue Officer, Ramanathapuram, cancelling the patta granted in favour of the petitioner on the review petition filed by the fifth respondent as against the order of the third respondent/the Revenue Divisional Officer, Ramanathapuram.

2. The learned counsel appearing for the petitioners submits that the Revenue Divisional Officer, Ramanathapuram, after appreciating



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all the records, directed the Tahsildar, Ramanathapuram, to transfer patta in the name of the deceased writ petitioner, however, the District Revenue Officer, Ramanathapuram, on the revision petition filed by the fifth respondent, without providing an opportunity to the deceased writ petitioner, set aside the order passed by the Revenue Divisional Officer, Ramanathapuram. As against the same, the deceased writ petition has filed this present petition. During the pendency of the writ petition, the petitioner died and therefore, his legal heirs have been impleaded as petitioners 1 to 5. He further submits that the petitioners herein have also filed a suit for declaration, before the District Munsif Court, Ramanathapuram, in O.S.No.181 of 2014 and also another suit in O.S.No.170 of 2015 for a direction to the Government Officials to effect electricity service connection to the petitioners' property.

3. The learned counsel appearing for the 5th respondent submits that the deceased writ petitioner claimed right on a natham poramboke land and therefore, the District Revenue Officer, Ramanathapuram, has



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rightly appreciated the same and set aside the order passed by the Revenue Divisional Officer, Ramanathapuram, who is not having any power to issue patta. He further submits that the deceased writ petitioner filed a suit in O.S.No.14 of 2011 before the District Munsif Court, Ramanathapuram and the same was dismissed on 19.08.2014 and subsequently, the suits in O.S.No.181 of 2014 and O.S.No.170 of 2015 have been filed by the petitioners herein.

4. This Court considered the rival submissions made and perused the materials placed on record.

5. This writ petition is filed as against the order passed by the District Revenue Officer, Ramanathapuram, on the revision petition filed by the fifth respondent. Pending this writ petition, the petitioners have also approached the District Munsif Court, Ramanathapuram and filed a suit in O.S.No.181 of 2014 and also filed another suit in O.S.No. 170 of 2015 and both the suits are posted for pronouncing Judgments.



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6. Considering the fact that the petitioners have already filed suits in O.S.Nos.181 of 2014 and 170 of 2015 before the District Munsif Court, Ramanathapuram, this writ petition is disposed of with liberty to the petitioners to work out their remedy in the said suits. No costs. Consequently, connected miscellaneous petition is closed.

17.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

1. The District Collector,
Ramanathapuram.
2. The District Revenue Officer,
Ramanathapuram.
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Tahsildar,
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