



WP(MD)No.7620/2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7620/2013 &
MP(MD)Nos.3 & 4/2013

1.U.Packiam

2.P.Kumaresan

...Petitioners

Vs

1.The District Revenue Officer,
Sivagangai District,
Sivagangai

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

3.M.Natarajan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in connection with the impugned order in Pa.Mu.Pi4-22414-2011 dated 03.12.2012 and quash the same as illegal and arbitrary and consequently direct the first respondent to restore the name of the petitioner in Patta No.646 for the land situated in S.No.150/7 in Manamadurai village and group measuring an extent of 74 cents within the time limit that may be stipulated by this Court.



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For Petitioners : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 & R2

Mr.S.Srinivasa Raghavan for R3

ORDER

This Writ Petition is filed as against the orders of the District Revenue Officer in granting patta in favour of the third respondent.

2. The patta granted by the Revenue Divisional Officer in favour of the first petitioner was challenged by the third respondent in a review before the District Revenue Officer. The District Revenue Officer has allowed the review and cancelled the patta granted in favour of the first petitioner. Aggrieved over the same, this writ petition is filed.

3. The learned counsel appearing for the petitioners submits that a civil suit in OS.No.41/2013 is pending before the District Munsif Court, Manamadurai and he has to get instructions as to the stage of the suit.



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4. The learned counsel for the third respondent submits that the petitioners in the strength of the sale agreement has managed to get patta during UDR survey and that was challenged by the third respondent before the District Revenue Officer. The District Revenue Officer after ascertaining all the facts has issued patta in favour of the third respondent. The petitioners have also filed a suit before the District Munsif Court, Manamadurai in OS.No.41/2013 for a relief of permanent injunction and the suit was dismissed on 17.05.2015. The learned counsel has circulated the Judgment and Decree in the suit and submits that no appeal was preferred against the Judgment and Decree.

5. Recording the submissions of the learned counsel appearing for the third respondent, this writ petition is closed with a liberty to the petitioners to work out their remedy before the appropriate civil forum. No costs. Consequently, the connected Miscellaneous Petitions are closed.

13.03.2023

NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No
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B.PUGALENDHI, J.

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To

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai
- 2.The Tahsildar,
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