



W.P(MD)No.2411 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2411 of 2020

Manivel

... Petitioner

Vs

1.The Revenue Divisional Officer,
Kulithalai,
Karur District.

2.The Tahsildar,
Taluk Office,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.

3.Kathamuthu
4.Karuppannan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to cancel the patta bearing Nos.2701, 2710 issued in favour of the third and fourth respondents by the second respondent for the petitioner's properties of S.Nos.467/3A and 467/3D situated at Karuppathur Revenue Village, Krishnarayapuram Taluk, Karur District.



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For Petitioner : Mr.R.Murugappan
For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader
For R3 & R4 : Mr.B.Ponnu Pandi

ORDER

This writ petition is filed for a Mandamus to direct the first respondent to cancel the patta bearing Nos.2701 and 2710 issued by the second respondent in favour of the respondents 3 & 4.

2.The case of the petitioner is that the respondents 3 & 4 have filed a civil suit in O.S.No.200 of 2007 as against the petitioner for the relief of injunction with regard to the subject property and the suit was dismissed on 30.06.2011. Having failed in the suit, the respondents filed an appeal in A.S.43 of 2011, which was allowed on 30.07.2012. Challenging the same, the petitioner along with one Kanniammal filed a Second Appeal in S.A(MD) No.15 of 2013 and the same was allowed on 02.11.2018. Therefore, the petitioner is equipped with an order of this Court and has obtained right over the subject property by way of a civil Court decree. Without considering the same, the Tahsildar has granted patta in favour of the respondents 3 & 4. Hence, this petition.



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3.The learned Special Government Pleader appearing for the respondents 1 & 2 submits that the petitioner without challenging the order passed by the Tahsildar, granting patta in favour of the respondents 3 & 4 has straight away filed this writ petition for the relief of Mandamus. Therefore, this writ petition is not maintainable and a suitable direction may be issued to the petitioner to file an appeal as against the orders of the Tahsildar, Krishnarayapuram Taluk, before the Revenue Divisional Officer,Kulithalai.

4.In reply, the learned counsel appearing for the petitioner submits that the petitioner has also filed an appeal before the Revenue Divisional Officer, Kulithalai on 04.12.2019. The learned counsel has also referred the appeal grounds enclosed in typed set of papers and the postal receipts for filing the above appeal.

5.However, the learned Special Government Pleader has disputed the same that the petitioner has submitted a representation



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alone and it is not an appeal in the prescribed format. Therefore, it was not numbered and not taken on file as an appeal, as on date.

6.Considering the rival submissions made, this writ petition is disposed of with a liberty to the petitioner to file an appeal as against the orders passed by the Tahsildar, Krishnarayapuram, dated 12.10.2019 granting patta in favour of the respondents 3 & 4 in a prescribed format within a period of four weeks from the date of receipt of a copy of this order. In the event, if the petitioner has filed an appeal in a proper format, the same shall be considered by the Revenue Divisional Officer, Kulithalai in accordance with law, after affording opportunity of hearing to the respondents 3 & 4 within a period of six months from thereon. No costs.

26.06.2023

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



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B.PUGALENDHI, J.

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Order made in
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