



W.P.(MD)No.6131 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.6131 of 2021

and

W.M.P.(MD).No.4765 of 2021

K.Jaishankar

... Petitioner

Vs.

1.The District Collector,
Pudukottai,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukottai, Pudukkottai District.

3.The Thashildar,
Kandarvarkottai, Pudukottai District.

4.Suresh Balaji

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Na.Ka.A4/1246/2020 passed by the 2nd respondent in his proceedings dated 21.04.2020 and quash the same as illegal and further direct the 2nd respondent to restore the patta as it existed earlier within the period that may be stipulated by this Court.



WEB COPY



W.P.(MD)No.6131 of 2021

For Petitioner : Mr.N.Kamesh
For R-1 to R-3 : Mr.K.S.Selva Ganeshan,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the second respondent dated 21.04.2020 and for a direction to the second respondent to restore the patta in Patta No.440 to its original position.

2. Heard the learned counsel on either side.

3. The grievance of the petitioner is that the third respondent had transferred the patta in favour of the fourth respondent even without giving any opportunity to the petitioner. In view of the same, the petitioner filed an appeal before the second respondent to restore the patta. The second respondent through impugned proceedings dated 21.04.2020, refused to pass any orders on the ground that civil proceedings are pending.



W.P.(MD)No.6131 of 2021

4. When the matter was taken up for hearing today, the learned counsel appearing for the petitioner submitted that the pending Second Appeal in S.A.No.854 of 2003 was dismissed by this Court by Judgment dated 18.04.2023. In view of the same, the civil proceedings have reached the finality. Therefore, it was contended that the second respondent can be directed to pass orders on the application submitted by the petitioner.

5. The learned Additional Government Pleader appearing on behalf of respondent Nos.1 to 3 based on the written instructions received from the second respondent submitted that the enquiry will be conducted by the second respondent and final orders will be passed within the time frame fixed by this Court.

6. Taking into consideration the facts and circumstance of the case and the subsequent development that has taken place in this case, there shall be a direction to the second respondent to pass final orders within a period of six (6) weeks from the date of receipt of a copy of this order. The Authority shall take into consideration the Judgment passed by the Civil Court.



W.P.(MD)No.6131 of 2021

WEB COPY

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

No costs. Consequently, the connected miscellaneous petition is closed.

17.11.2023

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

To

- 1.The District Collector,
Pudukottai,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Pudukottai, Pudukkottai District.
- 3.The Thashildar,
Kandarvarkottai, Pudukottai District.



WEB COPY



W.P.(MD)No.6131 of 2021

N.ANAND VENKATESH, J.

tsg

W.P.(MD)No.6131 of 2021

17.11.2023