



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Third day of March Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.VIJAYAKUMAR

WMP(MD) No.5340 of 2023

IN

REV.APLW(MD) SR.No.15122 of 2023

1 S.SOLAIMANI
2 K.KUMAR
3 RM.SEKAR
4 S.PANDI
5 M.PANDIKUMAR
6 K.KANNAN
7 N.PALANIYAPPAN
8 PR.SANMUGAM
9 AL.SOLAI ALAGAR
10 RM.SAKTHIVEL

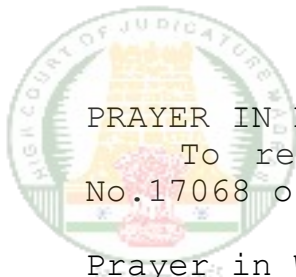
... PETITIONERS/PETITIONERS

Vs

1 VISALAKSHI ACHI
2 VALLI MEYYAPPAN
3 MEENAKSHI ACHI @ KUMARA RANI MEENA MUTHAIAH
4 THE DISTRICT COLLECTOR,
SIVAGANGA DISTRICT, SIVAGANGA.
5 THE TAHSILDAR
KARAIKUDI TALUK, KARAIKUDI,
SIVAGANGA DISTRICT.
6 M.A.M.M.ANNAMALAI
7 A.C.MUTHAIAH
8 M.A.M.R.AYYAPPAN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave the petitioner to file the review application against the order passed by this Honble Court in WP(MD) 17068/2016 dated



PRAYER IN REV.APLW(MD)SR.No.15122/2023 :

To review the order passed by this Hon'ble Court in WP(MD) No.17068 of 2016 dated 25.08.2022 and allow the Review Petition.

Prayer in WP(MD). 17068/ 2016 :

To issue a Writ of Mandamus directing the respondents 1 and 2 issue Ryotwari Patta for S.No. 43/7, Kothari Village, Karaikudi Taluk, Sivaganga District pursuant to the decree in O.S.No. 38 of 1983 on the file of the District Munsif, Devakottai dated 13/07/1986 which has been confirmed in appeal and has reached finality and in respect of which a direction has also been given by this Honble Court in W.P.No.2671/2008 dated 28/11/2008 on the basis of the representation of the 1st petitioner dated 12/01/2016.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.RM.ARUNSWAMI NATHAN, Advocate for M/S.THOTHAI MUNIYASAMY.P, Advocate for the petitioner and of MR.N.GA.NATRAJ, Government Advocate on behalf of the Respondent Nos.4 & 5, the court made the following order:-

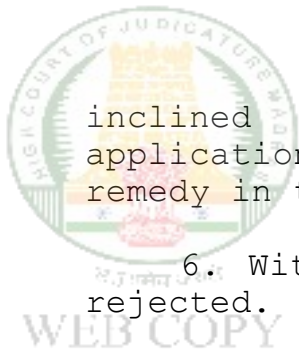
The present application has been filed by the third parties to the Writ Petition seeking leave of the Court to file a review application.

2. The writ petition was filed seeking a writ of Mandamus directing the revenue authorities to issue patta for S.No.43/7. This Court has relied upon the order of the Hon'ble Division Bench of this Court, dated 09.08.2011, made in W.A.(MD) No.648 of 2010 and directed the authorities to issue patta.

3. The present Review Petition has been filed by the third parties contending that patta has been granted by the Government in their favour in the year 1982 itself, and it was not been brought to the notice of this Court by the authorities. Therefore, the third parties seeking to review the order of this Court, dated 25.08.2022.

4. The learned counsel appearing for the review petitioners brought to the notice of this Court that the Second Appeal has been filed by the authorities in S.A.SR.No.72222 of 2022 challenging the judgment and decree made in A.S.No.1 of 1987 on the file of the Sub-Court, Devakottai, dated 11.05.1988. The said Second Appeal is pending in the condone delay stage. At the said stage, the present Review Petitioners has filed C.M.P(MD) No.2749 of 2023 to get themselves impleaded in the Second Appeal by making a rival claim over a portion of the property.

5. Considering the fact that the writ petitioners succeeded before the Trial Court with the prayer for declaration of title and permanent injunction and the judgment of the Hon'ble Division Bench, dated 09.08.2011 made in W.A.(MD) No.648 of 2010, this Court is not



WMP(MD)



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inclined to entertain the leave application or the application. It is for the review petitioners to workout their remedy in the Second Appeal in the manner known to law.

6. With the above said liberty, this leave application stands rejected.

sd/-
23/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE DISTRICT COLLECTOR
SIVAGANGA DISTRICT,
SIVAGANGAI.

2 THE TAHSILDAR
KARAIKUDI TALUK, KARAIKUDI,
SIVAGANGAI DISTRICT.

COPY TO

THE SUB ASSISTANT REGISTRAR,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.M.ARUNSWAMINATHAN, Advocate (SR-4756[I] dated
23/03/2023)

ORDER

IN

WMP (MD) No.5340 of 2023

IN

REV.APLW (MD) SR.No.15122 of 2023

Date :23/03/2023

RS/CG/SAR-4 (31.03.2023) 3P 5C