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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9594 of 2021
and
W.M.P.(MD)No.7346 of 2021

Amuthu Nadar ... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

4.Vallinayagam ...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to refer the issue of appeal dated 18.09.2017 preferred by the fourth respondent to the civil court pursuant to Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987.

For Petitioner : Mr.T.Lenin Kumar
For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader

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For R4 : Mr.S.Jeyasingh

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent not to entertain the appeal preferred by the fourth respondent during the pendency of the suit in O.S.No.34 of 2021 on the file of the District Munsif Court, Virudhunagar.

2.The grievance of the petitioner is that the dispute between the petitioner and the fourth respondent is now pending before the competent civil Court and in the meantime, the fourth respondent had filed an appeal before the first respondent under the Patta Passbook Act and he is parellelly attempting to get patta in his favour.

3.It is brought to the notice of this Court that the suit that was filed in O.S.No.34 of 2021, was dismissed for default on 06.02.2023.

4.The learned counsel for the petitioner submitted that steps are being taken to restore the suit.

5.In the considered view of this Court, if the first respondent entertains the appeal preferred by the fourth respondent and issues notice to the

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petitioner, the petitioner can always brings to the notice of the first respondent about the pendency of the suit and the same will be taken into consideration by the first respondent. This observation is subject to the condition that the suit is restored and brought back to the file. On such representation, the first respondent shall deal with the appeal on its own merits and in accordance with law taking into consideration of the pendency of the civil suit, if any, during the relevant point of time.

6.This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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To

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

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N.ANAND VENKATESH, J.

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