



W.P.(MD)No.10492 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2023

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10492 of 2021

and

W.M.P.(MD)No.8163 of 2021

S.Raman Yadav

... Petitioner

Vs.

1.The Additional Collector cum District Additional Magistrate,
Tuticorin, Tuticorin District.

2.The Revenue Divisional Officer,
Tiruchendur Taluk,
Tuticorin District.

3.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

4.K.Guru Taylor

5.K.Muthuramalingam

6.Ponniah Asari

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Na.Ka.No.D6-6644-2018 on the file of the Additional District Collector cum District Magistrate, Tuticorin confirming the proceedings in Na.Ka.No.A1/1224/2015 proceedings dated 29.12.2017 on the file of the Revenue Divisional Officer, Tiruchendur in respect of the property situate in old survey No.186 new Survey No.578/5 of an extent of 27.75 cents



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and 1 ¼ cents which is situated at Kulasekaranpattinam Village, Tiruchendur Taluk, Tuticorin District and consequently direct the respondents 1 and 2 to consider the case of the petitioner afresh on merits based on available documents.

For Petitioner : Mr.S.Siva Thilakar
For R1 to R3 : Ms.Farjana Ghoushia
Special Government Pleader
For R6 : Mr.V.Malaiyendran

ORDER

When the writ petition came up for hearing on 16.10.2023, this Court has passed the following order:

“This Writ Petition has been filed challenging the proceedings in Na.Ka.No.D6-6644-2018 pending on the file of the Additional District Collector cum District Magistrate, Tuticorin, confirming the proceedings in Na.Na.Ka.No.A1/1224/2015, DATED 29.12.2017 on the file of the Revenue Divisional Officer, Tiruchendur in respect of the subject property and consequently direct the respondent Nos.1 and 2 to consider the case of the petitioner afresh on merits based on the available documents.

2. Heard the learned counsel on either side.

3. It is seen from the impugned proceedings of the first respondent dated 18.03.2020 that the petitioner through his Power of Attorney Agent had also filed a suit against respondent Nos.4 to 6 in O.S.No.117 of 2007 and the competent Civil Court after a full-fledged trial, had dismissed the suit through the Judgment and Decree dated 23.09.2010 and it was held that the petitioner is not the owner of the



property in Survey No.578/5B. There is absolutely not even a whisper about this Judgment either in the pleadings or in the typed set of papers filed along with this Writ Petition. If a competent Court has already held that the petitioner is not the owner of the property, there is nothing much to be stated by the Revenue Authorities and the Revenue Authorities will have to fall in line.

4. Before the learned counsel appearing for the petitioner tries to find holes in the case of the private respondents, the petitioner has to establish his right over the property and that right has already been held against the petitioner by a competent Civil Court. Therefore, there is no ground to interfere with the impugned proceedings of the first respondent.

5. However, the learned counsel appearing for the petitioner wanted to satisfy himself and this Court with regard to purport of the Judgment that was passed in O.S.No.117 of 2007 and sought for time to produce the Judgment.

6. Post this case under the caption **“Part Heard”** on **19.10.2023.”**

2. When the matter is taken up today for hearing, the learned counsel for the petitioner submitted that he wants to withdraw the writ petition and that the petitioner will pursue the remedy before the competent civil Court.

3. The learned counsel for the petitioner submitted that by mistake, in the prayer portion, the survey number has been mentioned as 578/4, instead of



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578/5. The same is taken into consideration and this Writ Petition is disposed of by recording the submission made by the learned counsel for the petitioner. It is left open to the petitioner to work out his remedy before the competent civil Court in accordance with law. No costs. Consequently, connected miscellaneous petition is also closed.

19.10.2023

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