



WP(MD)No.12713 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.12713 of 2023

and

WMP (MD) No.10719, 10720 and 17623 of 2023

Marikannu

... Petitioner

Vs

1.The District Revenue Officer,
Collectorate,
Pudukottai and District.

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

3.The Tahsildar,
Aranthangi,
Pudukottai District.

4.Balamani

5.Durairaj

6.Thangarasu

7.Sivakumar

8.Palanivel

9.Ganapathy Raju

10.Sathaiah

11.Chidambaram

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus to call for the records on the file of the 1st respondent pertaining to its proceedings bearing No.Ni.Mu.D.3/15093/2019 dated 22.11.2022 and quash the same and consequently direct the 1st respondent to restore the patta to the original UDR pattadars.

For petitioner : Mr.N.Balakrishnan

For Respondent : Mr.G.V.Vairam Santhosh,
Nos.1 to 3 Additional Govt Pleader

For Respondent : Mr.T.Lenin Kumar
No.4

For Respondent : No appearance
Nos.5 to 11

ORDER

The case of the petitioner is that the patta which has been standing in the name of the petitioner granted during UDR settlement period has been now changed in favor of the 4th respondent by impugned order in this writ petition.

2.The learned Counsel by referring the impugned proceedings submits that this order has been passed as if the Revenue Divisional Officer went and



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verified the petitioner and the petitioner was present with the documents. According to the learned Counsel for the petitioner, the impugned order has been passed without any opportunity to this petitioner.

3.The learned Counsel for the 4th respondent submits that without any document, the petitioner taking advantage of the UDR entries approached the DRO by way of revision and the DRO provided opportunity of hearing to the petitioner and found that the petitioner was not in possession of any document in his support and passed the order rightly.

4.The learned Counsel for the petitioner submits that even assuming that this petitioner is not having any document, admittedly the patta was issued in the year 1984 during the UDR settlement period. The petitioner is in occupation of the property for the past 34 years. The learned Counsel further submits that the petitioner has filed a civil suit before the District Munsif, Aranthangi in OS.No.160



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of 2023 for the relief of declaration and permanent injunction.

5.This Court considered the rival submissions and perused the materials placed on record.

6.Admittedly the property stands in the name of the petitioner from the year 1984. The petitioner now filed a suit before the District Munsif Court, Aranthangi in OS.No.160 of 2023. Considering the suit has already been filed, this writ petition is disposed of with liberty to the parties to work out their remedy in the civil suit. The District Munsif, Aranthangi shall also endeavour to conclude the proceedings as expeditiously as possible preferably within a period of ten months from the date of receipt of a copy of this order. The impugned order is kept under abeyance till the disposal of the suit and the parties are also expected not to alienate the property pending the suit.



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7.The writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petitions are closed.

19.09.2023

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

DSK

To

- 1.The District Revenue Officer,
Collectorate,
Pudukottai and District.
- 2.The Revenue Divisional Officer,
Aranthangi,
Pudukottai District.
- 3.The Tahsildar,
Aranthangi,
Pudukottai District.

Copy to

- 1.The District Munsif,
Aranthangi.



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B. PUGALENDHI , J .

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