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

Wednesday, the Twenty Sixth day of July Two Thousand and Twenty Three

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

WMP(MD) No.12870 of 2023

IN

WP(MD) No.951 of 2023

PALAYAMKOTTAI CATHOLIC MARAI MAVATTAM,
REP BY ITS PROCURATOR,
ANTONYCHAMY

... PETITIONER/5th RESPONDENT/5th RESPONDENT

Vs

1 SUDALAI MUTHU.U ... 1st RESPONDENT/PETITIONER/PETITIONER

2 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT, TIRUNELVELI.

3 THE REVENUE DIVISIONAL OFFICER,
TIRUNELVELI DIVISION, TIRUNELVELI.

4 THE ZONAL DEPUTY TAHSILDAR
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

5 S.MADASAMY ... RESPONDENTS 2 TO 5/RESPONDENTS 1 TO 4/
RESPONDENTS 1 TO 4

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to vacate the stay granted in WMP(MD).No. 890 of 2023 in WP(MD).No. 951 of 2023 dated 12.01.2023 and dismiss the Writ Petition with exemplary costs.



Prayer in WP(MD). 951/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent made in நி.மு.எண்.அ3/1224/2022 dated 30.12.2022 and quash the same as devoid of merits and consequently restore the name of the petitioner in Patta No. 958 and 3953 with reference to Survey No. 156/1 and 180/8 of Rettiyarpatti Village, Palayamkottai Taluk, Tirunelveli District, without due process of law.

ORDER : This Writ Miscellaneous 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.H.ARUMUGAM, Advocate for the petitioner and of Mr.ANANTH C RAJESH, Advocate on behalf of the 1st Respondent and Mr.D.FARJANA GHOSHIA, Special Government Pleader for the respondents 2 & 3 and Mr.G.VIDHYA MAHESWARAN, Advocate for the 4th respondent, the Court made the following order:-

The Revenue Divisional Officer, Tirunelveli Division by his order dated 30.12.2022 has removed the name of the petitioner in the revenue records. As against the same, the present writ petition is filed. This Court has entertained the same and granted an order of interim stay by order dated 12.01.2023. This miscellaneous petition is filed by the 5th respondent to vacate the stay granted by this Court on 12.01.2023.

2.The case of the 5th respondent is that the 5th respondent's survey number is in no way connected with the writ petitioner's survey number. Since the impugned order is a common order, this writ petition is filed as against the 5th respondent also.

However, this Court while entertaining the writ petition has granted an order of interim stay vide order dated 12.01.2023.



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3.The learned Counsel for the writ petitioner by referring the Counter affidavit filed by the 5th respondent submits that the dispute is only with regard to the land in Survey No.180/8 and there is no dispute with regard to the 5th respondent's property in Survey No.156/1 and 156/2 at Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District. Since common order has been passed the 5th respondent has also been arrayed as a party.

4.In view of the submission, the interim order dated 12.01.2023 is modified as there shall be an order of interim stay with regard to S.No.180/8, Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District.

5.This miscellaneous petition is disposed of as above. No costs.

Post the main writ petition after two weeks.

sd/--

26/07/2023

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/08/2023

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

DSK

TO

1 THE DISTRICT COLLECTOR
TIRUNELVELI DISTRICT, TIRUNELVELI.



2B C THE REVENUE DIVISIONAL OFFICER,
TIRUNELVELI DIVISION, TIRUNELVELI.

3 THE ZONAL DEPUTY TAHSILDAR
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

+ 1 CC TO Mr. H.ARUMUGAM, ADVOCATE IN SR No.11389

ORDER
IN
WMP(MD) No.12870 of 2023
IN
WP(MD) No.951 of 2023
Date :26/07/2023

SS/VRS/18/08/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023