



WP (MD) No.15952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.15952 of 2023
and
WMP(MD)No.13551 to 13353 of 2023**

1.T.Raja

2.T.Venkatesh

... Petitioners

Vs

1.The District Revenue Officer,
Nagercoil,
Kanyakumari District.

2.The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.

3.The Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

4.Indira

5.C.Kalaiselvi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records relating to the



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impugned order in Ni.Mu.A5/2595/2023 dated 05.04.2003 passed by the 2nd respondent to restore the patta granted in favour of the petitioners in patta No.9757 and 9758.

For petitioners : Mr.S.Suresh Kumar
For Respondent : Mr.Sarangan,
Nos.1 to 3 Additional Government Pleader
For Respondent :Mr.P.Muthuvijaya Pandian
No.5
For Respondent : No appearance
No.4

ORDER

The petitioner has filed this writ petition as against the order of the Revenue Divisional Officer dated 05.04.2023 in Ni.Mu.A5/2595/2023, dated 05.04.2023.

2.By the impugned order the RDO has cancelled the sub division made in S.No.592/12 in South Thamaraiikulam village that the sub division has been made without any reference to the earlier orders passed by the RDO in A5/4499/2015, dated 12.08.2021 and the orders passed in A5/2021/2021 dated 21.02.2023.

3.The learned Counsel for the petitioner submits that the impugned order has been passed without affording any opportunity of hearing to the petitioner.



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4.The learned Additional Government Pleader appearing for the respondents submits that it is only a cancellation of the sub division, which was made without any reference to the earlier order of the RDO.

5.The learned Counsel for the 5th respondent submits that the petitioner by suppressing the details of the legal heirs of Thiya gaperumal has obtained the patta in his favour and based on the 5th respondent's application, the RDO has passed an order including the 5th respondent in the patta and as against that order the petitioner has filed a revision before the DRO on 30.09.2022. The learned counsel further submits that the 4th respondent has also filed an application before the RDO and her application was allowed vide proceedings in No. A5/2021/2021 on 21.02.2023. However, without any reference to the earlier orders passed by the RDO, the sub division has been made. Therefore, the sub division which was made without any reference to the earlier orders, has been cancelled. He further submits that the petitioner has also filed a civil suit before the Principal District Munsif Court, Nagercoil in OS.No.68 of 2023. He also submits that the petitioner's father has filed a suit for declaration and injunction before the Principal District Munisf Court, Nagercoil in OS.No.107 of 2023 as against respondent No.5 and now he has filed another civil suit in OS.No.68 of 2023 on 05.04.2023.



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

7.This writ petition is filed as against the order of the RDO cancelling the sub division made in S.Nos.592/12A and 592/12B in South Thamaraiikulam village. This impugned order has been passed as the earlier orders of the RDO dated 12.08.2021 and 21.02.2023 were not informed to the authority concerned before making the sub division.

8.The grievance of the petitioners is that the impugned order has been passed without providing any opportunity of hearing to the petitioners. It appears that the petitioners have already approached the civil court for the relief of declaration and injunction. The suit is pending before the Principal District Munsif, Nagercoil in OS.Nos.68 of 2023 and 107 of 2023.

9.In view of the above, this writ petition is disposed of with a direction to the learned Principal District Munsif, Nagercoil to dispose of the above suits within a period of one year from the date of receipt of a copy of this order. Till such time the parties shall not make any alienation pursuant to the patta issued



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by the RDO. No costs. Consequently connected miscellaneous petitions are

closed.

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NCC : Yes / No

Internet : Yes / No

Index : Yes / No

dsk

To

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B.PUGALENDHI, J.

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