



W.P.(MD)No.19526 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19526 of 2020

1.S.Sattanathan
2.S.Sriram
3.S.Selvaraj
4.C.Avadaiyammal @ Indira
5.C.Murugan
6.C.Ponnusrimani

.. Petitioners

Versus

1.The Tahsildar
Kodaikanal Taluk, Dindigul District – 624 101.

2.The Revenue Divisional Officer,
Kodaikanal Revenue Division,
Dindigul District – 624 101.

3.The District Collector,
Collectorate, Dindigul District – 624 004.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 21.10.2020, by passing suitable orders within the time frame to be fixed by this Court.

For Petitioners : Mr.E.R.Gurubalachandran

For Respondents : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

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2. The case of the petitioners is that the subject property comprised in Old Survey No.97, New Survey No.97/1, situated at Vilpatty Village, Kodaikanal Town and Taluk, Dindigul District, measures a total extent of 9 Acres, out of which, 6 Acres and 68 Cents of land was originally owned by the grandfather of the petitioners, named 'Sattanatha Karaiyalar'. This property was shown as 'Schedule - D' in a suit, that was filed in O.S.No.33 of 1961 and on 18.01.1972 a decree was passed by the learned Subordinate Judge, Tirunelveli and it was also affirmed by this Court on 09.12.1976 in A.S.No. 242 of 1972.

3. The further case of the petitioners is that out of the total extent of 9 Acres, various extents of property were sold and ultimately, Subramania Karaiyalar was in possession and enjoyment of 3 Acres and 99 Cents. Therefore, according to the petitioners, they being the legal heirs of Subramania Karaiyalar, are entitled for Patta for an extent of 3 Acres and 99 Cents of land.



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4. The grievance of the petitioners is that the second respondent/Revenue Divisional Officer, Kodaikanal Revenue Division, through the proceedings, dated 25.05.2012, had granted Patta only for an extent of 3 Acres and 36 cents. Hence, a representation was made by the petitioners, seeking for Patta for an extent of 3 Acres and 99 cents. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. Heard Mr.E.R.Gurubalachandran, learned counsel for the petitioners and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.

6. In the considered view of this Court, the second respondent/Revenue Divisional Officer had already taken into consideration the judgments passed by the Civil Court and had passed an order on 25.05.2012 granting Patta for an extent of 3 Acres and 36 Cents. This order was never put to challenge by Subramania Karaiyalar during his lifetime. All of a sudden, after his demise, his legal heirs are now attempting to reopen the same issue and are seeking for grant of Patta for 3 Acres and 99 Cents. The petitioners cannot once again reopen the issue without challenging the order passed by the second respondent/Revenue Divisional Officer, through his proceedings. dated



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25.05.2012. Hence, the representation given by the petitioners in this regard cannot give rise to a new cause of action to enable them to file this Writ Petition. This Court does not find any merits in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs.

NCC : Yes/No
Index : Yes/No
smn2

09.10.2023

To

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N.ANAND VENKATESH, J.

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