



W.P.(MD)No.11747 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11747 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

M.Malliga

... Petitioner

versus

1. The District Collector,
Dindigul District,
Dindigul.
2. The Thasildar,
Vedasanthur Taluk Office,
Vedasanthur,
Dindigul District.
3. Renuga Devi

... Respondents

Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of the 2nd respondent proceedings Mu.Mu.7900/2014/A3 dated 28.05.2014 and quash the same and consequently, direct the 2nd respondent to delete the 3rd



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respondent's name in patta No.2557.

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For Petitioner : Mr.B.Vinoth Balan
For R1 and R2 : Mr.J.K.Jayaseelan
Government Advocate
For R3 : Mr.S.Premkumar

ORDER

This writ petition is filed as against the order dated 28.05.2014, passed by the second respondent/the Tahsildar, Vedasanthur, Dindigul District, granting a joint pata in the name of one Renuga Devi, Palaniappa Konar and the petitioner herein.

2. The case of the petitioner is that she is having absolute right over the property and the 3rd respondent, Renuga Devi, is not having any right over the property, however, joint patta has been issued in the name of Renuka Devi also.

3. Even before the order passed by the Tahsildar, Vedasanthur, on 28.05.2014, the petitioner has approached the Principal District



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Munsif Court, Vendasandur and filed a suit in O.S.No.213 of 2012 as against one Maruthiah Konar, Renuga Devi and others for the relief of declaration of title, permanent injunction and also for a declaration to declare the sale deed dated 01.03.2012 as null and void. The Principal District Munsif Court, Vedsanthur, by Judgment and Decree dated 29.11.2019, decreed the suit as prayed for.

4. The learned counsel for the petitioner has also produced the Judgment and Decree passed in O.S.No.213 of 2012 dated 29.11.2019 that the suit was decreed in favour of the petitioner and the sale deed dated 01.03.2012 was also set aside.

5. In view of the subsequent development and decree granted in favour of the petitioner by the Principal District Munsif Court, Vedsanthur and also considering the fact that the Tahsildar, Vedsanthur, has granted joint patta, when the suit was pending between the parties in O.S.No.213 of 2012, this Court is inclined to set



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aside the order passed by the Tahsildar, Vedasanthur.

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6. Accordingly, this writ petition is allowed and the order dated 28.05.2014 passed by the second respondent/the Tahsildar, Vedasanthur, is hereby set aside and the matter is remitted back to the second respondent/the Tahsildar, Vedasanthur, for fresh consideration. The Tahsildar, Vedasanthur, is directed to consider the matter afresh in the light of the Judgment and Decree dated 29.11.2019 passed in O.S.No.213 of 2012 and take a decision, after issuing notice to the parties concerned and also after ascertaining that any appeal suit is pending between the parties. No costs. Consequently, connected miscellaneous petitions are closed.

20.03.2023

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



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To

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Dindigul District,
Dindigul.
2. The Thasildar,
Vedasanthur Taluk Office,
Vedasanthur,
Dindigul District.



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B.PUGALENDHI, J.

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