



WP (MD) No.15390 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.15390 of 2014

and

WMP (MD) No.5904 of 2017

N.Tamilarasan

... Petitioner

Vs

1.The Revenue Divisional Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

3.Ramanathan

4.R.Ramachandran

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records relating to the impugned order vide Ni.Mu.No.3745/2014/N dated 25.08.2014 passed by the 1st respondent and quash the same.

For petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.G.Suriya Anandh,

Nos.1 and 2

Additional Government Pleader



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ORDER

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This writ petition has been filed as against the order of the Revenue Divisional Officer under the Patta Pass Book Act on 25.08.2014.

2.Vide the order impugned, the RDO has cancelled the patta, which stood in the name of the petitioner and directed the Tahsildar to issue patta in favour of the respondents 3 and 4.

3.The learned Counsel for the petitioner submits that respondents 3 and 4 have also filed a suit before the VI Additional District Munsif Court, Madurai in OS.No.149 of 2014 for the relief of declaration on the subject property as against this petitioner along with other subsequent purchasers and obtained an interim order. They have also sold the property to one Senthilkumar and that suit was dismissed by the trial Court by its judgment and decree dated 26.02.2019. As against the judgment and decree the respondents 3 and 4 have not preferred any appeal. However,



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the newly impleaded purchaser has filed an appeal before this Court in A.S(MD)No.128 of 2019 and the same is pending. The learned Counsel further submits that there is no interim order in the appeal suit.

4.The learned Counsel for the respondents 3 and 4 submits that they have also sold the property to 3rd party and they are not having any interest in the property.

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

6.The patta for the subject lands initially stood in the name of the petitioner and in the appeal filed by the respondents 3 and 4, the RDO has cancelled the patta, which stood in the name of the petitioner and also granted patta in favour of the respondents 3 and 4. This order is impugned in this writ petition. Pending this writ petition, the respondents 3 and 4 have also filed a suit as against the petitioner for the relief of declaration on the subject property, where they have lost the suit. Pending the suit,



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they have also sold the property to one Senthilkumar and he has filed an appeal suit before this Court. Thereafter they have not prosecuted it, since they have already sold the property to one Senthil Kumar.

7. In view of the above this writ petition is allowed. The impugned order is set aside. The matter is remitted to the 1st respondent RDO to conduct enquiry by issuing notice to the said Senthil Kumar and other interested parties if any and take a decision keeping in mind the above mentioned judgment and decree passed by the civil Court. No costs. Consequently connected miscellaneous petitions are closed.

17.10.2023

dsk

To

1. The Revenue Divisional Officer,
Madurai District,
Madurai.
2. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.



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B.PUGALENDHI, J.

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