



W.P.(MD)No.15470 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15470 of 2014

and

M.P.(MD)No.1 of 2014

R.Lathiba

... Petitioner

versus

1. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.

3. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for
the records of the impugned order vide No.Pa.Mu.26401/2014 (P6)



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dated 18.07.2014, on the file of the 1st respondent and quash the same as illegal and consequently, direct the 1st respondent to confirm the assignment patta issued to the petitioner.

For Petitioner : Mr.P.Muthuvijayapandian

For Respondents : Ms.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition is filed as against the order of the first respondent/the District Revenue Officer, Ramanathapuram in Pa.Mu.No.26401/2014(P6) dated 18.07.2014 and for a consequential direction to the first respondent/the District Revenue Officer, Ramanathapuram, to confirm the assignment patta issued to the petitioner.

2. The case of the petitioner is that the land in Survey No.95/3 to an extent of 0.04.5 hectare in Nilamalagiya Mangalam, Thiruvadanai Taluk, was assigned to him in the year 1995 by the Tahsildar,



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Thiruvadanai Taulk, Ramanathapuram District and Patta was also issued in his favour in patta No.39. From the date of assignment, he is also paying the land tax to the Government till now. While so, the second respondent/the Revenue Divisional Officer, Ramanathapuram, issued a show cause notice to the petitioner on 08.05.2013 as to why the order of assignment should not be cancelled, as the land allotted to him is used as a lane to Adi Dravidar Colony. Immediately, he filed a suit before the District Munsif Court, Thiruvadanai, in O.S.No.39 of 2013 for injunction restraining the respondents from interfering with his possession. Pending the suit, the second respondent/the Revenue Divisional Officer, Ramanathapuram, ordered for cancelling the patta issued by the Tahsildar. Aggrieved over the same, he preferred an appeal before the first respondent/the District Revenue Officer, Ramanathapuram. The first respondent, without considering the pendency of O.S.No.39 of 2013, has erroneously rejected his appeal by order dated 18.07.2014. As against the same, the petitioner is before this Court.



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3. The learned counsel appearing for the petitioner claims that she sent a communication to the petitioner, however, she is not in a position to get instruction from the petitioner.

4. The learned Government Pleader appearing for the respondents submits that the land in Survey No.95/3 to an extent of 0.04.5 hectare in Nilamalagiya Mangalam, Thiruvadanai Taluk, was assigned to the petitioner in the year 1995. However, the petitioner has not utilized the said land and it is now used as a pathway and there are disputes between two groups also. Therefore, the Thasildar, by his order dated 07.02.2005, cancelled the assignment that it was not utilized by the petitioner. It appears that the petitioner has filed a suit in O.S.No.39 of 2013 and simultaneously, preferred an appeal before the first respondent. The first respondent/the District Revenue Officer, Ramanathapuram, by his order dated 18.07.2014, rejected the appeal preferred by the petitioner stating that when he conducted a spot



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inspection, he found that the property was not utilized by the petitioner and it is in occupation of one Baskaran and some of the persons utilized the same as pathway.

5. Since the petitioner has already filed a suit in O.S.No.39 of 2013, this writ petition is disposed of with a liberty to the petitioner to work out his remedy before the District Munsif Court, Thiruvadanai, in O.S.No.39 of 2013.

6. Considering that the suit is of the year 2013, the learned District Munsif, Thiruvadanai, shall decide the suit in O.S.No.39 of 2013, based on the materials placed by the parties before the Court, without being influenced by the observations of the Revenue Divisional Officer, Ramanathapuram and District Revenue Officer, Ramanathapuram and dispose of the suit within a period of six months from the date of receipt of a copy of this order.



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7. The order of the Revenue Divisional Officer, Ramanathapuram dated 26.03.2014 and the order of the District Revenue Officer, Ramanathapuram dated 18.07.2014 shall be kept in abeyance till the disposal of the suit in O.S.No.39 of 2013. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram Division,
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3. The Tahsildar,
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B.PUGALENDHI, J.

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