



WP(MD)No.17866/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.17866/2014 &
MP(MD)No.2/2014

S.Anthonymuthu

... Petitioner

-Vs-

1.The Tashildar,
Thoothukudi Taluk,
Thoothukudi District.

2.J.Anthonymuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the proceedings of the impugned patta No.2079 in respect of the property in Survey No.106/3E, Mapillaiyurani Village, Thoothukudi Taluk and District on the file of the first respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Saji Bino,
Special Government Pleader
for R1
Mr.Siva Ilayaraja for R2



WP(MD)No.17866/2014

ORDER

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This Writ Petition is filed as against the impugned patta No.2079 issued by the first respondent in favour of the second respondent, based on the exparte decree in OS.No.172/2011 on the file of the Principal District Munsif Court, Thoothukudi.

2. The learned counsel for the petitioner submits that subsequent to the decree in OS.No.172/2011 dated 19.10.2011, this petitioner filed an Interlocutory Application to set aside the exparte decree, on 08.04.2013 and the same was allowed by the Trial Court and the suit was also restored to file. Thereafter, the suit was dismissed for default on 11.11.2013.

3. In view of the subsequent developments, this Writ Petition is disposed of with a liberty to the petitioner to produce all the documents before the first respondent within a period of two weeks from the date of receipt of a copy of this order and the first respondent shall take a decision on the representation of this petitioner and pass necessary orders on merits and in accordance with law, within a period of twelve weeks



WP(MD)No.17866/2014

from the date of receipt of the documents, after providing an opportunity to the second respondent. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.03.2023

NCC: Yes / No
Index :Yes / No
Speaking Order : Yes / No

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To

The Tashildar,
Thoothukudi Taluk,
Thoothukudi District.



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WP(MD)No.17866/2014

B.PUGALENDHI, J.

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WP(MD)No.17866/2014 &
MP(MD)No.2/2014

07.03.2023