



W.P.(MD)No.19307 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19307 of 2014

and

M.P.(MD)No.2 of 2014

S.N.M.Ismail

... Petitioner

versus

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

2. The Regional Deputy Tahsildar,
Thanjavur,
Thanjavur District.

3. S.Boopathy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the order passed by the 1st respondent in his proceedings in Tha.Pa.No.107/2013/A5 dated 10.10.2014 and quash the same as illegal.



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For Petitioner : Mr.A.Velan
For R1 and R2 : Mr.S.Shaji Bino,
Special Government Pleader
For R3 : Mr.G.Karnam

ORDER

This writ petition is filed as against the order of the Revenue Divisional Officer, Thanjavur, in Tha.Pa.No.107/2013/A5, dated 10.10.2014.

2. The case of the petitioner is that the disputed land in Survey No.3688/1, having an extent of 7 Acres 34 cents, situated at Pulliyanthoppu Village, Thanjavur District, originally belonged to one Vijaya Yogandaji Saheb. The petitioner has purchased the said land from the legal heirs of Vijaya Yogandaji Saheb, by a Sale Deed dated 26.05.2005, based on which, he also applied for change of patta. The second respondent/the Regional Deputy Tahsildar, Thanjavur, has also verified and directed to change the patta in the name of the petitioner by his proceedings in Tho.Mu.Pa.Ma.11515/2012/A8 dated



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26.11.2012. The order of the second respondent was challenged by the occupants of the lands by way of an appeal before the first respondent/Revenue Divisional Officer, Thanjavur. The first respondent/Revenue Divisional Officer, Thanjavur, by his proceedings in Tha.Pa.No.107/2013/A5 dated 10.10.2014, cancelled the patta issued by the second respondent. As against that order, the present writ petition has been filed.

3. The learned counsel appearing for the 3rd respondent submits that the petitioner has filed a suit in O.S.No.297 of 2005 before the District Munsif Court, Thanjavur and he has also filed an interlocutory application seeking an order of interim injunction under Order 39 Rule 1 C.P.C., which was rejected by the trial Court. As against the same, he preferred an appeal before the District Court, Thanjavur, in A.S.No. 2 of 2006 and the same was also dismissed. Thereafter, he has also filed a suit in O.S.No.219 of 2020 before the Principal District Munsif, Thanjavur, for recovery of possession, which was referred to the Lok



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Adalat. Before the Lok Adalat, the parties have settled their issue amicably and based on which, an award was also passed by the Lok Adalat. The learned counsel has also produced the award passed by the Lok Adalat in O.S.No.219 of 2020 dated 19.08.2021. Based on this award, the revenue records have also been mutated.

4. Recording the submissions made by the learned counsel appearing for the 3rd respondent, this writ petition is closed as no further order is required. Consequently, connected miscellaneous petition is closed.

10.04.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Pudukkottai District.

2. The Tahsildar,
Iluppur Taluk,
Pudukkottai District.



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B.PUGALENDHI, J.

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