



WP(MD)No.20601/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20601/2014 &
MP(MD)No.1/2014

K.Pavadai Kandapillai

...Petitioner

Vs

1.The District Revenue Officer,
Pudukkottai

2.The Revenue Divisional Officer,
Aranthangi

3.The Tahsildar,
Aranthangi

4.S.Rajendran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the first respondent in Nee.Mu.No. 4.228/08/17 dated 25.11.2014 and quash the same and consequently direct the respondents to restore the entries in the revenue records in respect of the land in S.No.217/4E Mookkudi Village, Aranthangi Taluk, Pudukkottai District to the petitioner's name as per the Civil Court Judgment and Decree in OS.No.203/1998 on the file of the District Munsif Court, Aranthangi.



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For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R1 to R3
Mr.S.Ramanathan for R4

ORDER

This Writ Petition is filed as against the orders of the District Revenue Officer confirming the orders of the Revenue Divisional Officer in cancelling the patta issued by the Tahsildar in favour of the petitioner.

2. The learned counsel appearing for the petitioner submits that the Tahsildar has issued patta in favour of this petitioner based on the Judgment and Decree obtained by him in OS.No.203/1998 on the file of District Munsif Court, Aranthangi. The Revenue Divisional Officer has set aside the order of the Tahsildar, by recording that it is only an ex-parte decree and the fourth respondent, who is the subsequent purchaser of the property, is not a party to the suit. Aggrieved over the same, this petitioner filed a review petition before the District Revenue Officer and the petition was dismissed by confirming the orders of the Revenue Divisional Officer.



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3. The fourth respondent is the purchaser of the property from one Kupppammal, the sister of this petitioner. The petitioner has already filed a suit in OS.No.203/1998 on the file of District Munsif Court, Aranthangi as against Kupppammal. Since Kupppammal died on 17.08.2002, her son, namely, Anbazhagan was impleaded as her legal representative. Since there was no representation on their side, an ex-parte decree came to be passed in favour of this petitioner. This petitioner claims right over the property based on a will. Since, the suit was decreed ex-parte, the Revenue Divisional Officer and the District Revenue Officer cancelled the patta issued by the Tahsildar.

4. This writ petition was filed in the year 2014. Considering the fact that the fourth respondent has purchased the property from Kupppammal, who is the defendant in the suit and that the suit was decreed ex-parte and that the Tahsildar has issued patta in favour of this petitioner based on the ex-parte decree, this writ petition is disposed of with a liberty to the fourth respondent to file a suit before the appropriate Civil Court to establish his right. Till such time, the order passed by the District Revenue Officer confirming the orders of the Revenue Divisional Officer shall be kept in abeyance and this petitioner shall not



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take advantage of this order for alienating the property. No costs.

Consequently, the connected Miscellaneous Petition is closed.

10.03.2023

NCC: Yes / No

Index :Yes / No

Speaking Order : Yes / No

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To
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- 1.The District Revenue Officer,
Pudukkottai
- 2.The Revenue Divisional Officer,
Aranthangi



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B.PUGALENDHI, J.

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