



W.P(MD)No.10504 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.10504 of 2015

S.M.Xavier

... Petitioner

**Vs.**

1.The Revenue Divisional Officer/Sub-Collector,  
Cheranmahadevi,  
Tirunelveli District.

2.The Tahsildar,  
Radhapuram Taluk,  
Tirunelveli District.

3.V.Murugan

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Ni.Mu.9399/2012 (A-1) in 30.04.15 and quash the same and consequently direct the 1st respondent to rectify the mistake of classification of entry made as Poromboke lane and bring the petitioner name in the same.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.D.Gandhiraj  
Special Government Pleader for R1 & R2  
: Mr.S.Palanivelayuthan for R3



W.P(MD)No.10504 of 2015

## ORDER

WEB COPY

Heard the learned counsel on either side.

2. The petitioner sought issuance of patta in respect of the petition mentioned pathway. According to the petitioner, it is an exclusive pathway. The stand of the respondents was that the pathway is a public pathway. In the impugned order, it has been mentioned that the petitioner has already taken recourse to the civil proceedings.

3. When the matter was taken up for hearing, the learned counsel for the petitioner pointed out that though the suit was dismissed by the trial Court, A.S.No.71 of 2019 filed by him before the Sub Court, Valliyoor ended in his favour. The third respondent namely Murugan figured as sole defendant / respondent. It is not known if Murugan has filed any second appeal. If any such second appeal is filed, the rights of the parties will abide by the outcome of the second appeal. So long as the decree dated 29.03.2022 in A.S.No.71 of 2019 is holding the filed, the petitioner's entitlement for patta cannot be negatived.



**W.P(MD)No.10504 of 2015**

WEB COPY

4. In this view of the matter, the order impugned in the writ petition is set aside. The second respondent is directed to issue patta in favour of the petitioner in respect of the petition mentioned pathway. I make it clear that this will abide by the outcome of the second appeal that may be filed either by the third respondent or any third party against the Judgment and decree in A.S.No. 71 of 2019 on the file of the Sub Court, Valliyoor.

5. The Writ Petition is allowed. No costs.

**30.08.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi

To

1.The Revenue Divisional Officer/Sub-Collector,  
Cheranmahadevi,  
Tirunelveli District.

2.The Tahsildar,  
Radhapuram Taluk,  
Tirunelveli District.



WEB COPY



**W.P(MD)No.10504 of 2015**

**G.R.SWAMINATHAN, J.**

rmi

W.P(MD)No.10504 of 2015

30.08.2023