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W.P.(MD)NO.1497 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1497 of 2015 AND
M.P.(MD)Nos.1 to 3 of 2015

U.Shanmugam

... Petitioner

Vs.

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

2. The Tahsildar,
Mudukulathur,
Ramanathapuram District.

3. The Land Surveyor,
Mudukulathur Tahsildar Office,
Ramanathapuram District.

4. Rajapandi

5. The Assistant Director,
Tamil Nadu Khadi Village Industries Board,
Ramanathapuram District,
Office at Madurai – 625 010.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, pertaining to its proceeding to call for the records on the file of the first respondent No.Pa.Mu.(A4)/4151/2012 dated 29.01.2013 and quash the same as illegal and direct the first respondent to cancel the patta issued in favour of the



fourth respondent in survey No.307/20 (293/3) Keezha Mudhukulathur and reissue the patta in the name of கைகுத்தல் அரிசி தொழில் கூட்டுறவு சங்கம், Mudhukulathur.

For Petitioner : Mr.S.C.Herold Singh
For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-4 : Mr.R.Shankar Ganesh
For R-5 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The dispute is presently pending between the petitioner on the one hand and the fourth respondent on the other. The patta is now standing in the name of the fourth respondent. To cancel the same, the petitioner moved the revenue authority. He was asked to go before the jurisdictional civil Court. Challenging the same, the present writ petition came to be filed.



3. During the pendency of the writ proceedings, the petitioner filed O.S.No.45 of 2017 before the Sub Court, Mudhukulathur. He sought the relief of declaration and permanent injunction. The suit was dismissed on 25.06.2020 after contest. The petitioner examined himself as P.W.1 and Ex.A.1 to Ex.A.11 were marked. The fourth respondent examined himself as D.W.1. Ex.B.1 to Ex.B.9 were marked. When the petitioner had lost before the civil Court, he cannot maintain the writ petition.

4. I must however make one observation. The fourth respondent claims title on the strength of sale deed dated 09.12.1998 executed by the Manager, Tamil Nadu Gandhi Ninaivu Nidhi, Mudhukulathur. I fail to understand as to how the property belonging to such an institution could have been alienated. This is a matter which the fourth respondent must take cognizance. This writ petition stands dismissed with the aforesaid observation. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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W.P.(MD)NO.1497 OF 2015

G.R.SWAMINATHAN,J.

PMU

To:

1. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
2. The Tahsildar,
Mudukulathur,
Ramanathapuram District.
3. The Land Surveyor,
Mudukulathur Tahsildar Office,
Ramanathapuram District.

W.P.(MD)No.1497 of 2015

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