



WP(MD)No.9158/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.9158/2014

K.Madhavan Nair

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by
The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

3.Francis

...Respondents

(R3 impleaded vide Court order dated 02.09.2015 in MP(MD)No. 1/2015)

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 5/2717/12 dated 22.08.2013 on the file of the second respondent herein and quash the same, consequently, direct the respondents herein to issue patta to the petitioner herein in respect of 94 cents of land in old S.No.1708/2 (RS.No.657/10) Ponmanai Village,



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Kalkulam Taluk, Kanyakumari District.

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For Petitioner : Mr.Murugan

For Respondents : Mrs.K.Christy Theboral,
Additional Government Pleader
for R1 and R2

Mr.R.Joseph Thangaraj for R3

ORDER

The petitioner claiming title over the property in RS.No.657/10, Ponmanai Village, Kalkulam Taluk, Kanyakumari District, has approached the Tahsildar for grant of patta. The same was rejected by the Tahsildar by referring the litigations pending between the parties before the District Court, Nagercoil in AS.No.65/2012. Therefore, the petitioner has filed this writ petition to set aside the order of the Tahsildar and also for a consequential direction to issue patta in his favour.

2. This writ petition which was filed in the year 2014 is kept pending for the past nine years. In the meantime, the first appeal preferred by the third respondent in AS.No.65/2012 on the file of the



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District Court, Nagercoil was dismissed on 12.01.2015. As against that order, the third respondent has filed a Second Appeal in SA.No.32/2016 and the same was allowed by this Court by Judgment and Decree dated 20.11.2017. Thereafter, the petitioner has preferred SLP before the Honourable Supreme Court in SLP.No.6399/2018 and the same was dismissed on 22.03.2018.

3. In view of the subsequent developments, this Court is not inclined to grant the prayer sought for by the petitioner. Accordingly, this writ petition is dismissed. No costs.

20.03.2023

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

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B.PUGALENDHI, J.

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To

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