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W.P.(MD)NO.325 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.325 of 2015 AND
M.P.(MD)Nos.1 & 2 of 2015

Srinivasan

... Petitioner

Vs.

1. The District Revenue Officer,
O/o.District Revenue Office,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tiruchendur,
Thoothukudi District.
3. The Tahsildar,
O/o.Taluk Office,
Tiruchendur,
Thoothukudi District.
4. Kumar Iyer,
Treasurer,
Rep. on behalf of the Thoovathasi Kattalai,
Keelatiruchendur Village,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.D3/34856/13 dated 20.11.2014 on the



file of the first respondent and quash the same as illegal and arbitrary and consequently direct respondents 1 to 3 to restore the petitioner's earlier patta No.3529 bearing in old survey No.241/1, New survey No.1484/36 which is total extent as 29.98 cents which is situated at 18th Ward, Keelatiruchendur Village, Tiruchendur Taluk, Thoothukudi District, the same was issued by the third respondent in proceedings in R.T.R.1958/2002/2003 dated 13.01.2003 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.D.Ganeshamoorthy
For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-4 : Mr.S.Meenakshisundaram
Senior counsel,
for Mr.R.Manimaran.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned Senior counsel appearing for the fourth respondent.

2. The petitioner is questioning the issuance of patta in respect of the petition-mentioned land in favour of the fourth respondent.



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3. The learned Senior counsel appearing for the fourth respondent points out that this was before the filing of the present writ petition. The petitioner had already settled the petition-mentioned property in favour of his son Sundaralingam. The said settlee instituted O.S.No.1 of 2015 on the file of I Additional District Munsif, Thoothukudi, for the relief of declaration and injunction. The fourth respondent herein is figuring as the sole defendant in the said suit. After contest, the suit was dismissed on 14.12.2020. Aggrieved by the same, Sundaralingam filed A.S.(MD)No.69 of 2022 on the file of this Court. The first appeal is still pending.

4. The rights of the parties will abide by the outcome of A.S.(MD)No.69 of 2022 which is pending before this Court. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

1. The District Revenue Officer,
O/o.District Revenue Office,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tiruchendur,
Thoothukudi District.
3. The Tahsildar,
O/o.Taluk Office,
Tiruchendur,
Thoothukudi District.



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W.P.(MD)NO.325 OF 2015

G.R.SWAMINATHAN,J.

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