

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.3474 of 2016
and W.M.P(MD).No.3073 of 2016

M.Victoria

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Thasildar,
Usilampatti Taluk,
Madurai District.

4.R.Jeyakodi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating with the order passed by the third respondent in Na.Ka.No.1036/2015/A2, dated 03.03.2015 and quash the same as it is arbitrary and illegal and in consequence to direct the third respondent to

restore the patta No.3644 to the property measuring 0.25.00 Ares comprised in S.No.339/1B in Karumathur Village in Usilampatti Taluk in Madurai District in his name.

For Petitioner :Mr.R.Suriya Narayanan

For Respondents :Mr.C.Baskaran
Government Advocate
for R1 to R3
Mr.J.Barathan
for R4

ORDER

The petitioner challenges an order dated 03.03.2015 of the third respondent by which the patta was mutated in favour of the fourth respondent in respect of the property bearing Survey No.339/1B in Karumathur Village, ad measuring 25 ares.

2. The petitioner states that she is the owner of the above mentioned property and that she purchased the same under registered sale deed dated 01.12.2010. Pursuant to such purchase, it is stated that patta No.3644 was issued in her favour.

3. According to the petitioner, the fourth respondent filed a collusive suit in O.S.No.186 of 2011 on the file of the District Munsif Cum Judicial Magistrate, Usilampatti. The said suit was filed against one P.Periyakaruppan and the said Periyakaruppan consented to the decree. The impugned order was issued on the basis of the said decree without putting the petitioner on notice.

4. Learned counsel for the petitioner invited my attention to the decree in O.S.No.186 of 2011. He also pointed out that the said decree is the subject of challenge in O.S.No.826 of 2012, which is pending adjudication.

5. Learned counsel for the fourth respondent submitted that the impugned order was issued on the basis of the decree in O.S.No.186 of 2011. Therefore, he submitted that there is no infirmity in the impugned order.

6. Learned Government Advocate for the respondents 1 to 3 points out that O.S.No.826 of 2012 is admittedly pending. Therefore, he

submits that the parties may be directed to approach the revenue authorities after the disposal of O.S.No.826 of 2012.

7. On perusal of the documents filed by the petitioner, I find that the registered sale deed dated 01.12.2010 has been placed on record. Under the said sale deed, the petitioner has purchased the property ad measuring 25 acres in Survey No.339/1B. The decree in O.S.No.186 of 2011 is on record and the said decree discloses that the defendant filed a memo and submitted to the decree. Significantly, the only defendant in the said suit is P.Periyakaruppan. On examining the impugned order, I find that only the fourth respondent and P.Periyakaruppan were parties to the proceedings. In these facts and circumstances, the impugned order is unsustainable. Hence, the impugned order is quashed. Since O.S.No.826 of 2012 is pending adjudication before the District Munsif cum Judicial Magistrate, Usilampatti, the revenue authorities shall abide by the decision in the said civil suit. The parties are granted leave to reapproach the Tahsildar upon the disposal of the said suit.

8. W.P(MD).No.3474 of 2016 is disposed of on these terms. No costs. Consequently, connected W.M.P(MD).No.3073 of 2016 is closed.

05.04.2023

NCC :No
Internet :Yes
Index :No
ssb

To

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W.P.(MD)No.3474 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

ssb

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