



W.P(MD)No.7 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7 of 2022

M.Sundaram

... Petitioner

Vs.

1.The Tahsildar
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai,
Sivagangai District.

3.The District Revenue Officer,
Sivagangai District,
Sivagangai.

4.Karuppasamy

5.Kannan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent



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to dispose the Revision Petition in Na.Ka.No.B1/63/2017 dated 30.12.2016 filed by the Respondents No.4 and 5.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.N.Muthu Vijayan, - for R1 to R3
Special Government Pleader

No Appearance - for R4 & R5

ORDER

The entire issue revolves around grant of patta. The matter is pending before the District Revenue Officer, Sivagangai.

2. The writ petition has been filed in the nature of a Mandamus seeking direction to the third respondent / District Revenue Officer, Sivagangai, to dispose of the Revision in Na.Ka.No.B1/63/2017 dated 30.12.2016. But as correctly pointed out by the learned Special Government Pleader that there is also a suit which is now pending, against the relief is for grant of patta, the said suit in O.S.No.197 of 2019 before the District Munsif Court, Thiruppuvanam.



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3. The learned counsel for the petitioner states that the suit had been dismissed as not pressed. Still the Revenue Authorities cannot examine title and therefore, keeping all these factors namely, the issue of grant of patta and whether that grant of patta involves examination of title, the third respondent may dispose of the petition within a period of 8 weeks from the date or receipt of a copy of this order.

4. If the third respondent passes an order that he cannot decide the title, then the parties will have to approach necessarily the Civil Court and the petitioner will have to explain as to why the suit was dismissed as not pressed. I would leave it to the appreciation of the particular authority relating to the same.

5. With the above directions, the writ petition stands disposed of. No costs.

06.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm



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C.V.KARTHIKEYAN, J.

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