



W.P.(MD)Nos.7564 of 2016 and 16676 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.7564 of 2016 and 16676 of 2017

and

W.M.P.(MD)No.6327 of 2016

1. K.Muthu

2. K.Bose

... Petitioners in both W.Ps.

versus

1. The District Revenue Officer,
Sivagangai District,
Sivagangai.

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

3. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

4. M.Sampantham

5. Vellaisamy

... Respondents in both W.Ps.



W.P.(MD)Nos.7564 of 2016 and 16676 of 2017

Prayer in W.P.(MD)No.7564 of 2016: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.(P1) 18741/2014 dated 21.01.2016 and quash the same and consequently, direct the respondents to restore the patta issued in favour of the petitioners.

Prayer in W.P.(MD)No.16676 of 2017: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 3rd respondent to make necessary entries in all the revenue records by incorporating the petitioners' name for the land situated in Survey No.36/8, Udappanpatti Village, Sirumaruthur Group, Devakottai Taluk, Sivagangai District to an extent of 28 cents by considering the petitioner's representation dated 10.07.2017 within a stipulated time as fixed by this Court.

For Petitioner in
both W.Ps. : Mr.C.Jeyaprakash

For R1 to R3 : Mr.M.Ramesh
in both W.Ps. Government Advocate

For R4 in
both W.Ps. : No appearance

For R5 in
both W.Ps. : No appearance



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COMMON ORDER

The petitioners said to have purchased a land to an extent of 28 cents, situated in Survey No.36/8 Udappanpatti Village, Sirumaruthur Group, Devakottai Taluk, Sivagangai District by way of a registered sale deed dated 07.02.1990. For the said land, patta was also issued in the name of the petitioners. However, on the application of the 4th respondent, patta issued in favour of the petitioners has been cancelled by the District Revenue Officer, Sivagangai, by his proceedings in Na.Ka.No.(P1) 18741/2014 dated 21.01.2016, which is under challenged in W.P.(MD)No.7564 of 2016. Pending this writ petition, the petitioners have also filed another writ petition in W.P.(MD)No. 16676 of 2017 for a Mandamus directing the 3rd respondent/the Tahsildar, Devakottai, to make necessary entries in the revenue records incorporating their names for the land in Survey No.36/8 by considering their representation dated 10.07.2017.



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2. The learned counsel appearing for the petitioners submits that the first respondent/the District Revenue Officer, Sivagangai, has passed the impugned proceedings dated 21.01.2016 on the application of the 4th respondent. With regard to the subject property, the 5th respondent and others have already filed a suit in O.S.No.76 of 1997 before the District Munsif Court, Devakottai, which was decreed in their favour, against which, the 4th respondent and others have filed an appeal suit in A.S.No.9 of 1999 before the Sub Court, Devakottai. The appellate Court, by Judgment and Decree dated 05.09.2000, dismissed the appeal suit as well as the decree passed in O.S.No.76 of 1997. Aggrieved over the same, both the respondents 4 and 5 filed second appeals in S.A.Nos.776 of 2001 and 940 of 2002 respectively and the same were dismissed by Judgment and decree dated 24.07.2008 holding that both the respondents 4 and 5 are not entitled for any right over the subject property. However, on the application of the 4th respondent, the District Revenue Officer, Sivagangai has passed the impugned order, cancelling the patta issued in favour of the petitioners.



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WEB COPY 3. The learned Government Advocate appearing for the respondents 1 to 3 submits that pending these writ petitions, based on the direction of the District Revenue Officer, Sivagangai, patta has also been restored in the name of the petitioners.

4. In view of the subsequent development that patta has been restored in the name of the petitioners, these writ petitions are closed. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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To

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Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
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3. The Tahsildar,
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