



Rev.Aplw(MD)No.59 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Rev.Aplw(MD)No.59 of 2023

in

W.P(MD)No.964 of 2015

R.Gopal (Died)

1.R.Nagalingam

2.Thirumalai Ammal

3.G.Ramanathan

4.G.Valli

... Petitioners/Petitioners 2-5

Vs.

1.N.Sarva Sakthi

2.N.Chandran

3.N.Ganapathy

4.N.Muthuramalingam

5.N.Nalayini

6.N.Sivakani

7.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

... Respondents/ Respondents



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Prayer: Review Petition filed under Order 47 Rule 1 & 2 of Code of Civil Procedure r/w. Section 114 of Code of Civil Procedure, to set aside the order, dated 20.07.2022 passed in W.P(MD)No.964 of 2015 by this Court and also pass any suitable order.

For Petitioners : Mr.Babu Rajendran

For Respondents : Mr.S.A.Ajmal Khan

ORDER

The present review application has been filed to review the order, dated 20.07.2022 passed by this Court in W.P(MD)No.964 of 2015.

2. The said writ petition was challenging an order of District Revenue Officer, under which patta was conferred upon the respondents 1 to 6 due to the error in the U.D.R proceedings. This Court by its order, dated 20.07.2022 had referred to O.S.No.96 of 2013 and A.S.N0.38 of 2020 and passed an order that if any second appeal is filed by the petitioners, thereafter, they can again approach the revenue authorities for transfer of patta.

3. The learned counsel appearing for the review petitioners/writ petitioners brings to the notice of the Court that the survey number of the



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suit schedule property is Survey No.102/1A. However, the survey number involved in the U.D.R proceedings is Survey No.91/10.

Therefore, the order passed by District Revenue Officer has to be adjudicated independently and it is not dependent upon the Civil Court proceedings. This fact was not brought to the notice of the Court when final orders were passed in the writ petition.

4. The learned counsel appearing for the respondents also points out that the survey number in the suit and the writ petition are completely different and therefore, the Civil Court proceedings will not have any bearing upon the DRO proceedings.

5. In view of the above said facts, this Court finds that there is an error apparent on the face of the record while passing final orders on 20.07.2022. In view of the above said facts, the Review Application stands allowed and the writ petition is restored to file.

03.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note : Registry is directed to restore the writ petition and post it for final hearing.

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To

The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.



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R.VIJAYAKUMAR ,J.

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Order made in
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