



W.P(MD)No.30717 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30717 of 2023

and

W.M.P(MD)No.26397 of 2023

B.Sujatha

... Petitioner

Vs.

1.The Tahsildhar

**O/o.The Tahsildhar,
Manamadurai,
Sivaganga District.**

2.The District Collector

**O/o.The District Collector,
Manamadurai,
Sivaganga District.**



W.P(MD)No.30717 of 2023

3.The Revenue Division Officer

O/o.The RDO,
Manamadurai,
Sivaganga District.

4.S.Kamaraj Chinnadurai

5.A.Arockiasamy

6.S.Tamil Selvan

7.Kalai Selvi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order Na.Ka.Aa/4629/2023 dated 23.11.2023 issued by the first respondent and to quash the same and consequently direct the respondents 1 to 3 not to grant patta to the 4th and 5th respondents in land and building at Survey No.2/2C now subdivided as Survey No.2/2C1 in Kattudaikulam Village, Manamadurai Town, Sivagangai District, till disposal of pending W.P(MD)No.8305 of 2023



W.P(MD)No.30717 of 2023

For Petitioner : Mr.V.Ponnappa Bharathi

For Respondents: Mr.V.Nirmal Kumar – for R1 to R3

Government Advocate

Mr.G.Prabhu Rajadurai – for R4 to R7

ORDER

Heard the learned counsel appearing on either side.

2. Vide order, dated 23.11.2023, the Tahsildar, Manamadurai, had granted patta in favour of the respondents 4 and 5 for 25 cents in the petition mentioned survey number.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition.

4. They are controverted by the learned counsel appearing for the private respondents.



W.P(MD)No.30717 of 2023

WEB COPY

5. Since contentious facts are involved, I am of the view that the jurisdiction of the Writ Court need not be invoked for the present. It is more so because the petitioner has an effective appeal remedy. He has to file an appeal before the third respondent. As of now, the patta stands in the name of the petitioner for 1 acre and 1 cent. Therefore, the petitioner is given liberty to file an appeal before the third respondent. If the appeal is filed within a period of three (3) weeks from the date of receipt of a copy of this order, it shall be entertained by the third respondent without reference to limitation. The petitioner can also seek interim relief. If any Interlocutory Application is filed, that shall be disposed of on merits and in accordance with law by the third respondent within a period of three (3) weeks, thereafter. The impugned order passed by the first respondent shall remain stayed for a period of ten (10) weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The contentions of both parties are left open. The manner of exercising discretion by the third respondent is also not gone into by this Court. It is left open.



W.P(MD)No.30717 of 2023

WEB COPY

6. The Writ Petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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

RM

Note : Issue Order copy on 22.12.2023



W.P(MD)No.30717 of 2023

To:

WEB COPY

1. The Tahsildhar
O/o. The Tahsildhar,
Manamadurai,
Sivaganga District.
2. The District Collector
O/o. The District Collector,
Manamadurai,
Sivaganga District.
3. The Revenue Division Officer
O/o. The RDO,
Manamadurai,
Sivaganga District.



WEB COPY



W.P(MD)No.30717 of 2023

G.R.SWAMINATHAN, J.

RM

W.P(MD)No.30717 of 2023

21.12.2023