



W.A.(MD) No.369 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.369 of 2024

Senthurkani

... Appellant

-Vs-

1.The Secretary,
Revenue and Disaster Management,
Ezhilagam, Chepauk, Chennai-600 005.

2.The Commissioner,
Land Administration Department,
Ezhilagam, Chepauk, Chennai-600 005.

3.The District Collector,
Thoothukudi District, Thoothukudi.

4.Latha

5.Maharaja

6.The Revenue Divisional Officer,
Kovilpatti-628 501,
Thoothukudi District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 19.01.2024 passed in W.P.(MD)No.1020 of 2024 on the file of this Court.

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For Appellant : Mr.K.Chinraj
For R1 to R3 & R6: Mr.S.P.Maharajan,
Special Government Pleader
For R4 : Mr.Davidganesan
For R5 : Mr.Mohameed Imran

JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

This Writ Appeal is directed against the order dated 19.01.2024 passed in W.P.(MD)No.1020 of 2024 on the file of this Court.

2.The appellant / writ petitioner claims that his father namely, Sivanu has purchased the property comprised in 1.07 acre in S.No.130B/2A and 7.62 acre in 131B/2A3 in Kurasekaranallur Village, Ottapidaram Taluk, Thoothukudi District vide sale deed, dated 22.08.1966. In the meantime four forged documents were registered in the said property. While so, his father passed away on 15.12.2016. With respect to the said property, wrong patta No.1435 was issued in favour of one Manohar and Alagulingam. Therefore, his brother one Subramanian filed W.P(MD)No.585 of 2017 to cancel the wrong patta issued in favour of the said Manohar and Alagulingam and to restore the patta in the name of his father and the same was disposed of by this Court on 12.01.2017. On the basis of which,



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the patta was restored in the name of the writ petitioner's father. Thereafter, one Murugan made an application before the official respondents to cancel the restored patta and also filed W.P(MD)No.7863 of 2022, wherein this Court, vide order dated 12.05.2022, directed the authorities concerned to consider his representation.

3.He further claims that on the basis of the said order, the Tahsildar, Ottapidaram passed an order of restoration of patta in the name of said Murugan on 20.01.2023. Challenging the same, an appeal was preferred by the writ petitioner before the 6th respondent and the same is pending. During the pendency of the said appeal, pursuant to the order passed by the Tahsildhar, Ottapidaram, dated 20.12.2023, the 6th respondent mutated the patta in the name of said Murugan, vide order, dated 29.05.2023. Therefore, the petitioner has made a representation to the respondents 1 and 2 to take departmental action against the respondents 4 and 5 for having mutated the patta with respect to the property mentioned supra. Since the same was not considered so far, the writ petitioner filed the Writ Petition.

4.The Writ Court, after hearing both sides, disposed of the Writ Petition, directing the 6th respondent to dispose of the appeal filed by the writ petitioner



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dated 29.05.2023 within a period of four weeks from the date of receipt of a copy of the order. Challenging the same, the writ petitioner filed this Writ Appeal.

5. On perusal of the impugned order passed by the Writ Court, we are of the view that since the appeal filed by the writ petitioner is pending before the 6th respondent and the same has not yet reached finality, at this juncture the action to be taken as against the respondents 4 and 5 cannot be sustainable and further, the writ petitioner approached this Court at premature stage. Therefore, we are not inclined to entertain this Writ Appeal, accordingly, it is dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
21.03.2024

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

Yuva

To

1. The Secretary,
Revenue and Disaster Management,
Ezhilagam, Chepauk, Chennai-600 005.

2. The Commissioner,
Land Administration Department,
Ezhilagam, Chepauk, Chennai-600 005.

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3.The District Collector,
Thoothukudi District, Thoothukudi.

4.The Revenue Divisional Officer,
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Thoothukudi District.



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AND

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