



WEB COPY

W.P.(MD)No.7017 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7017 of 2022
and
WMP(MD)Nos.5339 & 5342 of 2022

P.Albi

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 3.The Revenue Divisional Officer,
Kanyakumari District, Kanyakumari.
- 4.The Tahsildar,
Thovalai Taluk,
Thovalai, Kanyakumari District.
- 5.Swamidoss

6.Meeriyas Nancy @ Meurial Nancy

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.AA4/5656/2019 dated 03.02.2021 and consequential order



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passed by the second respondent dated 25.02.2022 in his order in Na.Ka.No.M4/8877/2021 and quash the same and to direct the respondents No.2 to 4 to afford opportunity to the petitioner.

For Petitioner : Mr.N.Mohamed Asif

For Respondents : Mr.S.Kameshwaran,
Government Advocate for R1 to R4

Mr.C.Sankara Prakash for R5

R6 – notice unserved

ORDER

Heard both sides.

2.The question that arises for consideration is whether the petitioner is entitled to patta in respect of the land measuring 52 cents purchased from the sixth respondent vide sale deed dated 09.11.2017. The learned Government Advocate appearing for the respondents 1 to 4 confirms that this property was assigned in favour of the fifth respondent. If that be so, there is nothing on record to show that the fifth respondent conveyed the property in favour of the sixth respondent who is none other than his wife either through settlement deed or sale deed. Prima facie there is absolute no material to show that the sixth respondent had title over the property.

In any event, these are matters that will have to be established only



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before the jurisdictional civil court. The writ court will not be justified in adjudicating contentious issues of facts.

3.Granted liberty to work out his rights before the jurisdictional civil court, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

12.03.2024

Internet : Yes/No
Index : Yes/No
skm

To

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- 2.The District Revenue Officer, Nagercoil, Kanyakumari District.
- 3.The Revenue Divisional Officer, Kanyakumari District, Kanyakumari.
- 4.The Tahsildar, Thovalai Taluk, Thovalai, Kanyakumari District.



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SKM

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