



W.P(MD)No.9417 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.9417 of 2021
and
W.M.P.(MD)Nos.7140 & 7141 of 2021

A.Arockiyaraj ... Petitioner

Vs.

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

2.A.Azhagarsamy

3.Meiyappasamy ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the files relating to the impugned orders made in proceeding Nos.Pa.Mu.B1/8639/13 dated 29.09.2020 and O.Mu.B1/755/2021 dated 08.01.2021 passed by the first respondent and quash the same and consequently to direct the first respondent to conduct a fresh enquiry in relating to the name transfer of the Patta in S.No.165/1B3 and 165/1B4 at Kurundhani Variyendhal Village, Kalaiyarkoil Taluk, Sivagangai District within a time frame as fixed by this Court.

For Petitioner : Mr.G.Mutharasu

For R1 : Mr.P.Thambi Durai
Government Advocate (Civil Side)



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ORDER

This petition has been filed to quash the order passed by the first respondent in proceeding Nos.Pa.Mu.B1/8639/13 dated 29.09.2020 and O.Mu.B1/755/2021 dated 08.01.2021 and consequently, to direct the first respondent to conduct a fresh enquiry in relating to the name transfer of the Patta in S.No.165/1B3 and 165/1B4 at Kurundhani Variyendhal Village, Kalaiyarkoil Taluk, Sivagangai District within a time frame as fixed by this Court.

2.When the matter is taken up for hearing, the learned Government Advocate (Civil Side) submitted that the petitioner has already filed the Second Appeal before this Court in S.A.(MD)No.521 of 2022 challenging the judgment and decree passed by the Sub Court, Sivagangai, in A.S.No.44 of 2019 dated 25.03.2022 and for the non-appearance of the petitioner, the above said S.A.(MD)No.521 of 2022 was dismissed for non-prosecution vide judgment dated 03.04.2023.



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3.The learned counsel appearing for the petitioner submitted that the petitioner is taking steps to file an application to restore the Second Appeal, which was dismissed for non-prosecution on 03.04.2023.

4. It is seen from the impugned memorandum of the District Revenue Officer, Sivagangai District that the District Revenue Officer, Sivagangai District, has observed that there is no scope for reviewing the order passed by the DRO and directed the petitioner to approach the Civil Court to redress his grievance. Since the petitioner side has stated that the petitioner is going to file an application to restore the Second Appeal, this Court is not inclined to interfere with the impugned order passed by the first respondent dated 29.09.2020 and dated 08.01.2021.

5. In view of the same, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

19.03.2024

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

1. The District Revenue Officer,
Sivagangai, Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J

dss

Order made in
W.P.(MD)No.9417 of 2021
and
W.M.P.(MD)Nos.7140 & 7141 of 2021

19.03.2024