



W.P(MD)No.10245 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10245 of 2020

and

W.M.P.(MD)Nos.9134 and 9137 of 2020

C.Ramachandran

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Zonal Deputy Tahsildar,
Madurai South Taluk,
Madurai.

4.J.Vivek

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order in T.R.2019/0103/24/102261TR dated 24/09/2019 passed by the third respondent and quash the same.



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For Petitioner : Mr.J.Barathan

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R3.
Mr.G.Prahbu Rajadurai for R4.

ORDER

Heard both sides.

2.The writ petitioner is none other than the paternal uncle of the fourth respondent. The petitioner feels aggrieved by the mutation of patta made in favour of the fourth respondent. It is not in dispute that the petitioner filed partition suit against the fourth respondent and others (O.S.No.94 of 2018 on the file of the I Additional District Court, Madurai). The suit appears to have suffered dismissal for non-prosecution and the petitioner is taking steps to have the same restored. Since the petitioner had already approached the Civil Court, the Writ Court can very well permit the petitioner to pursue the said remedy. Since what has been filed is only a partition suit, I am certain that the restoration application would be allowed. The impugned order will abide by the outcome of the civil proceedings instituted by the petitioner against the fourth respondent. I make it clear that I have not gone into the merits of the matter.



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3.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.01.2024

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

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Madurai South Taluk,
Madurai District.
- 3.The Zonal Deputy Tahsildar,
Madurai South Taluk,
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G.R.SWAMINATHAN, J.

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