



W.A.(MD) No.239 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.239 of 2018

and

C.M.P.(MD) No.1381 of 2018

R.S.Sornam

... Appellant/3rd Party

Vs.

1.R.Rathinam

... 1st Respondent/Petitioner

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Revenue Divisional Officer,
Tuticorin.

4.The Tahsildar,
Srivaikuntam Taluk,
Tuticorin District.

... Respondents 2 to 4/Respondents



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Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 11.12.2014 made in W.P.(MD) No.20112 of 2014.

For Appellant : Mr.T.Selvan
For RR2 to 4 : Mr.A.Baskaran
Additional Government Pleader
For R1 : No appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred by a 3rd party to W.P.(MD) No.20112 of 2014, which came to be disposed of by a learned Single Judge of this Court *vide* his order dated 11.12.2014, whereunder the learned Judge has directed the 3rd respondent before him viz., the Tahsildar, Srivaikuntam Taluk to consider the petitioner's representation dated 17.05.2014 which he had made for issuance of patta to properties in R.S.Nos.105b/2b, 72/1, 94/1, 98/3, 100/3, 67 and 68.

2. The contention of the appellant is that he is the original owner of the property and the writ petitioner seeks issuance of patta based on a collusive



W.A.(MD) No.239 of 2018

decree obtained by him in O.S.No.87 of 2009 on the file of the Sub Court, Tuticorin to which the present appellant is not a party. The learned counsel also submitted that the said decree later came to be set aside by this Court in C.R.P.(MD) No.1318 of 2012 *vide* order dated 18.10.2019.

3. This Court may not enter into a finding *vis-a-vis* the title to the property, which eventually may have to be decided by a competent civil Court. So far as the present issue is concerned, this Court merely directs the 4th respondent herein (3rd respondent before the Writ Court) to issue notice both to the writ petitioner as well as to this appellant and act strictly in accordance with law.

4. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
08.04.2024

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



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N. SESHASAYEE, J.
and
P.VADAMALAI, J.

ABR

To

- 1.The District Collector,
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Tuticorin.
- 2.The Revenue Divisional Officer,
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