



W.P(MD)No.19677 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.19677 of 2021

and

W.M.P.(MD)No.16343 of 2021

J.Tamilselvi

... Petitioner

Vs.

1.The District Collector,
Theni District,
Collectorate Campus,
Theni – 625 531.

2.The Tahsildar,
Uthamapalayam Taluk,
Taluk Office,
Uthamapalayam,
Theni District – 625 533.

3.The Zonal Deputy Tahsildar,
Uthamapalayam Taluk,
Taluk Office, Uthamapalayam,
Theni District. 625 533.

4.C.Sivakumar

5.C.Ravichandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the



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records pertaining to the impugned order passed by the third respondent in favour of the fourth and fifth respondents in T.R.No.2020/0103/25/041692TR, dated 03.02.2020 and T.R. No.2020/0103/25/042598TR, dated 25.02.2020 and quash the same pertaining to the lands in patta No.4757 at Uthamapalayam Village and in patta No.30772 at Cumbum village situated at Uthamapalayam Taluk, Theni District.

For Petitioner : Mr.S.Chandrasekaran
For Respondents : Mr.K.Christy Theboral,
Additional Government Pleader, for R1 to R3.
: Mr.G.Gunaseelarupan, for R4 and R5.

ORDER

This Writ Petition has been filed seeking orders to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent in favour of the fourth and fifth respondents in T.R.No.2020/0103/25/041692TR, dated 03.02.2020 and T.R. No.2020/0103/25/042598TR, dated 25.02.2020 and quash the same pertaining to the lands in patta No.4757 at Uthamapalayam Village and in patta No.30772 at Cumbum village situated at Uthamapalayam Taluk, Theni District.



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2. Admittedly, the petitioner and the respondents 4 and 5 are the sisters and brothers. According to the learned counsel for the private respondents, their father has executed a Will in respect of the suit property and that the petitioner has filed the suit for partition, challenging the Will alleged to have been executed by his father.

3. When the matter is taken up for hearing today, the learned counsel for the private respondents would submit that they have already filed a suit in O.S.No.114 of 2021 for permanent injunction and the same is pending on the file of the District Munsif Court, Uthamapalayam and at the time of filing writ petition, the petitioner has also filed an appeal before the Revenue Divisional Officer, Uthamapalayam and the RDO, after enquiry, has passed an order, dated 13.04.2022, dismissing the appeal and thereby confirming the order passed by the third respondent and directed the petitioner to prefer a revision, if the petitioner is aggrieved by the order, dated 13.04.2022.

4. The learned counsel for the petitioner would submit that she has filed a suit in O.S.No.156 of 2022 for partition and the same is pending.



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5. Since the impugned order has already confirmed by the Revenue Divisional Officer, Uthamapalayam in the appeal filed by the petitioner, dated 13.04.2022, the petitioner is at liberty to prefer a revision before the District Revenue Officer.

6. With the above liberty, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

22.03.2024

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

To

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Theni – 625 531.

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Taluk Office, Uthamapalayam,
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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.19677 of 2021
and
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Dated : 22.03.2024