



WA(MD). No.1286 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 17/04/2024

CORAM

The Hon`ble Mr.Justice N.SESHASAYEE
and
The Hon`ble Mr.Justice P.VADAMALAI

WA(MD). No.1286 of 2015 and
and M.P.No.1 of 2015

S.Senthattipillai

... Appellant

Vs

1.P.Petchimuthu

2.The District Collector
Collectorate Tuticorin District.

3.The Revenue Divisional Officer,
Tuticorin District, Tuticorin.

4.The Tahsildar,
Srivaikundam
Tuticorin District.

5.The Zonal Deputy Tahsildar
Srivaikundam Tuticorin District

6.G.Perumal

7.Greyia Realtors Pvt Ltd., Chennai
D.No.18 Komal Apartment
Flat No.1 Jegatheeswaran Street,
T.Nagar, Chennai through its Director, N.Thivagarar

1/6



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8.Silverbell Developers Pvt. Ltd., Chennai
D.No.18 Komal Apartment
Flat No.1 Jegatheeswaran Street,
T.Nagar, Chennai through its Director,
N.Thivagarar

9.Nervosa Builders Pvt Ltd., Chennai
D.No.18 Komal Apartment
Flat No.1 Jegatheeswaran Street,
T.Nagar, Chennai through its Director,
N.Thivagarar

10.S.Raj

11.S.Selvaraj

12.V.Kanagaraj

13.P.Valliammal

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act
against the order dated 05.10.2015 in WP(MD) No.7953/2009.

For Appellant	: M/s.L.Shaji Chellan
For Respondent	: Mr.T.Lajapathi Roy for R1
	Senior counsel for Mr.S.Rajasekar
	Mr.N.Muthuvijayan for R2 to R5
	Special Government Pleader
	Mr.M.Muthu Geethaiyan for R7 to R9
	Mr.G.Thalaimutharasu for R10 to R13
	No appearance for R6



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JUDGMENT

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

This appeal is preferred by the 5th respondent in WP(MD) No.7953/2009.

2.The first respondent had approached this Court with the aforesaid writ petition complaining that the patta issued in his name was wrongly cancelled by the Revenue Divisional Officer based on an order passed in WA No.30/2007 vide the impugned order dated 03.08.2009. The learned Single Judge had merely directed the Revenue Divisional Officer to rehear the matter afresh, which necessarily implies that the Revenue Divisional Officer must hear all parties, who are likely to be affected by his decision.

3. This Court is also informed that certain Seevalaperi Chatram Trust was the original owner of the property and it is under the care of certain family members and they had effected few alienation and the matter had also been rejected before the civil Court. This Court is also informed that the litigation chiefly involved an *inter se* dispute between the members of



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the family, which had reached the Hon'ble Supreme Court, where it was compromised and accordingly, each of the party to the litigation had obtained their share, which they later dealt with independently. To the extent, these facts are relate and the Revenue Divisional Officer is only required to consider the same.

4. Turning to the present case, this Court does not and cannot consider the appellant as a person aggrieved since no substantial right of his has been affected by the impugned order of the learned Single Judge. All that he is now required to do is to participate in an enquiry to be held by the Revenue Divisional Officer and present his case before him.

5. In view of the same, this Court does not, consider it necessary to intervene with the orders of the learned Single Judge and dismiss this appeal. The Revenue Divisional Officer is instructed to issue notice to all the parties, who are likely to be affected by his decision, and if need be, he is also required to peruse the encumbrance certificate pertaining to the survey number/numbers in question and issue notice to them to save potential litigation from those who are not invited for an enquiry. The



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third respondent is now directed to complete the enquiry within three months after 04.06.2024. No costs. Consequently connected Miscellaneous Petition is closed.

(N.S.S.,J.) (P.V.M.,J.)
17.04.2024

RR

TO

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and
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