



W.P(MD)No.20382 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.20382 of 2021

S.Pitchaimani

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai.

2.The Tahsildar,
Thirumangalam,
Madurai District.

3.S.Kailasa Prabhu

4.Raman Ambalam

... 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 records relating to the impugned order passed by the first respondent in his proceedings Roc.No.37551/2015/G5, dated 05.02.2021 in respect of Survey Nos.133/4, 133/6A, 133/8A Karadikal Village, Thirumangalam Taluk, Madurai District and quash the same as illegal and consequently, direct the first respondent to enquire the matter afresh after affording opportunity to the petitioner and others in accordance with law.



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For Petitioner : Mr.A.Karthik,
for Mr.V.P.Rajan.

For Respondents : Mr.K.Christy Theboral,
Additional Government Pleader, for R1 & R2

: Mr.Mahaboob Fazil,
for M/s.T.Lajapathi Roy Associates,
for R3.

: No Appearance for R4.

ORDER

This Writ Petition has been filed seeking orders to issue a Writ of Certiorari filed Mandamus, to call for the records relating to the impugned order passed by the first respondent in his proceedings Roc. No.37551/2015/G5, dated 05.02.2021 in respect of Survey Nos.133/4, 133/6A, 133/8A Karadikal Village, Thirumangalam Taluk, Madurai District and quash the same as illegal and consequently, direct the first respondent to enquire the matter afresh after affording opportunity to the petitioner and others in accordance with law.

2. It is not in dispute that the second respondent has issued patta in favour of the third respondent and on appeal before the Revenue Divisional



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Officer, the same was confirmed and the petitioner herein has challenged the order of appellate authority before the first respondent and that the first respondent, after conducting enquiry, has passed the impugned order, dismissing the same and further directed the parties to approach the competent civil Court.

3. The learned counsel for the third respondent would submit that the petitioner's father has already filed a suit in O.S.No.333 of 2023 against the third respondent, seeking declaration and consequential permanent injunction in respect of the land in S.No.133/4 of Karadikal Village, Thirumangalam Taluk and that the suit was dismissed for default on 11.06.2016 and that the plaintiffs or the present petitioner have not taken any steps to get the suit restored.

4. The learned counsel for the petitioner would submit that they are going to file a fresh suit in respect of the suit property.

5. Considering the facts and circumstances of the case, the impugned order passed by the first respondent cannot be found fault with.



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6. In view of the above, this Writ Petition is dismissed. The petitioner is at liberty to take appropriate proceedings, if so advised. No costs.

20.03.2024

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

To

1.The District Revenue Officer,
Madurai.

2.The Tahsildar,
Thirumangalam,
Madurai District.



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K.MURALI SHANKAR, J.

das

Order made in
W.P(MD)No.20382 of 2021

Dated : 20.03.2024