



W.P(MD)No.19862 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.19862 of 2023

and

W.M.P(MD).Nos.16399 and 16401 of 2023

Chinnathambi,

... Petitioner

Vs

1. The District Revenue Officer,
and Additional District Magistrate,
Ramanathapuram,
Ramanathapuram District..

2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

4. Loganathan,

... 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 records



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pertaining to the impugned order in Ni.Mu.B5/37003/2022 dated 03.07.2023

passed by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.J.Barathan
For Mr.K.Muthuvai Ilayaraja
For R1 to R3 : Mr.V.Nirmal Kumar
Government Advocate
For R4 : Mr.S.M.A.Jinnah

ORDER

Heard both sides.

2.The petitioner was having patta in his name. It was set aside by the District Revenue Officer, Ramanathapuram, vide proceedings, dated 03.07.2023. Challenging the same, the present writ petition has been filed.

3.It is seen that the District Revenue Officer, Ramanathapuram had taken into account the decree passed in favour of the fourth respondent in O.S.No.25 of 2001, on the file of the learned District Munsif, Paramakudi. The said decree was subsequently confirmed in A.S.No.3 of 2003, dated 22.07.2004, on the file of the Sub Court, Paramakudi and S.A(MD)No.1207



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of 2005, dated 21.10.2021. It is beyond dispute that the petitioner had purchased the petition mentioned property, vide registered sale deed, dated 26.06.1995. Therefore, the fourth respondent ought to have impleaded the petitioner as one of the defendants in the suit filed by him in the year 2001. Any decree obtained behind the petitioner's back cannot bind the petitioner. Since the impugned order has been taken into account in the said decree, the impugned order has to be set aside. The matter is remitted to the file of the first respondent.

4.The petitioner as well as the fourth respondent are directed to appear before the first respondent on 29.04.2024 at 03.00 pm. The first respondent will decide the issue afresh on merits and in accordance with law. Decree obtained by the fourth respondent will be only a piece of relevant document, the same will not be treated as binding document as far as the petitioner is concerned. The first respondent will pass fresh order within a period of three months thereafter. The parties can also appear through their authorised representatives or Advocates.



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5.With the above directions, this writ petition is allowed. No costs.

Consequently, the connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LR

To

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Ramanathapuram District..

2. The Revenue Divisional Officer,
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Ramanathapuram District.

3. The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

LR

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