



W.A.(MD).No.888 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.01.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

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and
C.M.P.(MD).No.5357 of 2016

1.The State of Tamil Nadu,
Represented by the District Collector,
Nagercoil.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

3.The District Forest Officer,
Kanyakumari District,
Nagercoil.

.. Appellants/Respondents 1 to 3

Vs.

1.Swarna Sethuraman

2.Babu

.. Respondents 1 and 2/Writ Petitioners



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3.Rashme Aras

4.Preethi Aras

.. Respondents 3 and 4/ Respondents 4 and 5

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 09.02.2009 made in W.P.(MD).No.11432 of 2005 and allow the Writ Appeal.

For Appellants : Mr.D.Sachikumar
Additional Government Pleader

For Respondent : Mr.G.Thalaimutharasu

JUDGMENT

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

This Writ Appeal is filed by the State being aggrieved by the order passed in W.P.(MD).No.11432 of 2005 dated 09.02.2009.

2. The Writ Appeal pertains to issuance of Mandamus regarding grant of patta in favour of the respondents 1 and 2/writ petitioners. The writ petitioners based their rights based on the decree of the Civil Court. Despite



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obtaining decree, the authorities did not grant patta. Hence, the Writ Petition seeking a writ of Mandamus was filed and the same was allowed by this Court on 09.02.2009. Against which, the State has preferred the present Writ Appeal on the ground that the decree of the Civil Court has not attained finality as the State has preferred a Second Appeal, which is pending before this Court.

3. When the matter came up for final disposal in an earlier occasion before this Court, the learned Special Government Pleader submitted that the Second Appeal in S.A.(MD).No.501 of 2015 preferred by the State against the decree in favour of the respondents was admitted and interim stay was granted.

4. Admittedly, the Second Appeal in S.A.(MD).No.501 of 2015 is pending for disposal. In view of the above fact, the impugned order passed in W.P.(MD).No.11432 of 2005 dated 09.02.2009 is liable to be set aside. Hence, the Writ Appeal preferred by the State is allowed with liberty to the



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respondents 1 and 2/writ petitioners to work out their remedy in accordance with law after the disposal of the Second Appeal in S.A.(MD).No.501 of 2015. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (C.K.,J.)
05.01.2024

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