



W.P.(MD) No.18559 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.18559 of 2018
and
W.M.P.(MD) No.16418 of 2018**

M.Sridaran

... Petitioner

/vs./

**1.The District Revenue Officer,
Madurai District,
Madurai.**

**2.The Tahsildar,
Madurai South,
Madurai District.**

3.G.Sakthi Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent vide his proceedings in Ne.Moo.No. 21718 / 2015 / G5 dated 07/12/2017 and quash the same as illegal and consequently direct the 2nd respondent to restore the original records prior to the order passed by the 1st respondent .

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For Petitioner : Mr.K.Sivabalan
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.A.Sivaji

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to quash the order passed by the first respondent in Ne.Moo.No.21718/2015/G5 dated 07/12/2017 and to direct the second respondent to restore the original records.

2. The grievance of the petitioner is that before passing the impugned order transferring the patta in favour of the third respondent, notice has not been issued either to the petitioner or to the other owners and in fact, notice has been issued to a dead person.

3. A suit O.S.No.36 of 2011 was filed, even before the application was made before the first respondent, for declaration and mandatory injunction in respect of the very same property, namely R.S.No.202/3, 202/3A, 202/3B and



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202/3C. In the said suit, 19 persons including the petitioner herein have been shown as defendants. It is now informed that the said suit has already been decreed in favour of the petitioner herein and the same is now pending appeal.

4. A perusal of the impugned order would clearly show that none of these 19 persons have been issued with the notice. Therefore, the impugned order passed by the first respondent in Ne.Moo.No.21718/2015/G5 dated 07/12/2017 is set aside.

5. Accordingly, the Writ Petition stands allowed. The request of the third respondent for issue of patta can be renewed after the disposal of the appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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P.T.ASHA, J.

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