



W.P.No.18203 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.18203 of 2009

Palanisamy (Died)

1. P.Saraswathi
2. P.Ravichandran
3. P.Poongodi

.. Petitioners

(P2 to P4 substituted as LR's of deceased
sole petitioner vide order dated 02.12.2021
made in W.M.P.No.22254 of 2020
in W.P.No.18203 of 2009)

Vs

1. The Revenue Divisional Officer
Namakkal
2. The Special Tahsildhar
Natham Scheme
Namakkal
3. Perumal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of certiorari calling for the records connected with the proceedings No.Na.Ka.3172/2009 a6 dated 31.08.2009 on the file of first respondent herein and quash the same.



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For Petitioner : Mr.T.R.Rajaraman
Senior counsel
Mr.S.T.Bharath Gowtham

For Respondents : Mr.T.M.Rajangam
Govt. Advocate for R1 and R2

ORDER

This writ petition has been filed to quash the proceedings of the first respondent dated 31.08.2009.

2. It is the case of the petitioner that during the Natham Settlement proceedings, the petitioner was granted patta in S.No.227/10 to an extent of 0.1129.0 square meters vide Patta No.619 and the same was objected by one Perumal, son of Peria Gounder, who filed an appeal before the Revenue Divisional Officer, Namakkal vide Appeal dated 09.09.2008. After adjudication, the patta granted in favour of petitioner was cancelled vide impugned order dated 31.08.2009. Challenging the same, the present writ petition is filed.



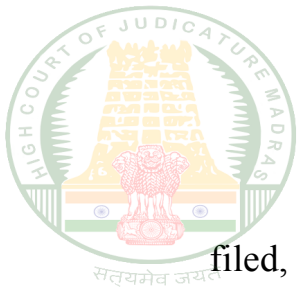
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3. The learned Senior counsel appearing for the petitioners submits that as Perumal, the third respondent herein interfered with the peaceful possession of the petitioners, a civil suit was filed in O.S.No.354 of 2006 on the file of District Munsif Court, Namakkal for declaration and injunction and the said suit was decreed in favour of the petitioner against which the defendant filed an appeal in A.S.No.2 of 2010 on the file of Additional Subordinate Judge, Namakkal and the said appeal was partly allowed against which the petitioner preferred a second appeal before this Court in S.A.No.312 of 2012.

4. Learned Senior counsel appearing for the petitioner submits that notwithstanding the impugned order, the petitioner may be granted liberty to file a fresh application and subject to the result of the second appeal, the respondents 1 and 2 may be directed to consider the said application in the light of the orders passed in the second appeal.

5. Learned Government Advocate has no objection to the said order being passed and further submitted that if such an application is



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filed, the same will be considered in the light of the orders, if any, passed in the second appeal and orders will be passed in accordance with law

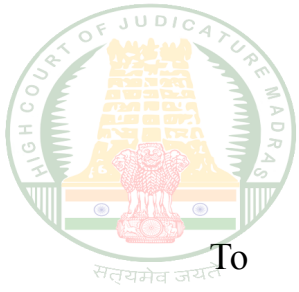
. 6. In view of the stand taken by the learned counsel appearing on either side and also the limited request made by the learned senior counsel appearing for the petitioner, this writ petition is disposed of granting liberty to the petitioner to make a fresh application before the 1st respondent after disposal of S.A.No.312 of 2012 and on such application being filed, the 1st respondent is directed to consider the same and pass appropriate orders in accordance judgment in S.A.No.312 of 2012, which is stated to be pending on the file of this Court. There shall be no order as to costs.

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Index: Yes/No

Neutral Citation : Yes/No

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To

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1. The Revenue Divisional Officer
Namakkal
2. The Special Tahsildhar
Natham Scheme, Namakkal



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M.DHANDAPANI, J.

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