



W.P.(MD)No.5823 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.5823 of 2019

Rakkamuthu (Died)

R.Viswanathan

... Petitioner

(Petitioner is substituted vide court order, dated 04.04.2025 in W.M.P(MD)No.1330 of 2025)

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the 2nd respondent in Mu Mu Aa 7/6759/2018 dated 10.10.2018 and quash the same and consequently direct the respondents to issue patta to the petitioner in respect of his property comprised in S.No.133/5 and 133/6 of an extent of 1 Acre 24 cents situated at Karan Village, Ramanathapuram District.



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For Petitioner : Mr.N.Mariappan

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner challenges the order of the 2nd respondent, dated 10.10.2018 and seeks consequent direction to issue patta to the petitioner in respect of an extent of 1 Acre 24 cents comprised in S.No.133/5 and 133/6.

2. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for the respondents.

3. The learned counsel for the petitioner submits that the petitioner's father along with other owners had filed O.S.No.142 of 2005 before the District Munsif, Ramanathapuram. The District Collector, Ramanathapuram was the 1st defendant in the said suit. The suit was filed for declaration that the suit property belongs to the plaintiffs and for consequential permanent injunction against the District Collector, Ramanathapuram who was arrayed as the 1st defendant in the said suit. The said suit came to be decreed on 21.12.2012 and it is seen that there is no appeal preferred against the said decree and the said



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decree has become final. Therefore, the decree is conclusive and binding on the State which has been represented in the suit by the District Collector, Ramanathapuram. However, the impugned order has been passed without even considering the effect of the decree passed by the competent Civil Court which is binding on the revenue authorities.

4. In view of the above, the order impugned in the writ petition is set aside the matter is remitted to the 2nd respondent to consider the matter afresh, after giving fair opportunity to the petitioner and pass orders, considering the judgment and decree passed in O.S.No.142 of 2005, on the petitioner's application seeking patta in respect of S.No.133/5 and 133/6. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition stands allowed. No costs.

04.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.

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To:

- 1.The District Collector,
Ramanathapuram District.
- 2.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

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