



W.P.(MD) No.22151 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22151 of 2024

and

W.M.P(MD)Nos.18741 and 18742 of 2024

KM.Nallakaruppan Chettiar

.. Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Pudukkottai Revenue Division,
Pudukkottai District.
- 4.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 5.The Deputy Tahsildar,
Thirumayam Taluk,
Pudukkottai District.



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6.P.R.Sathappan
7.Kannan @ Periyakaruppan
8.S.Kumarappan
9.S.Alagappan
10.M.Periya Karuppan
11.S.Periya Karuppan
12.Palaniyappan
13.M.M.Muthuraman
14.M.M.P.R.Periyakaruppan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings in Na.Ma.Tho.Mu.169/09 dated 10.11.2009 passed by the 5th respondent quash the same as illegal.

For Petitioner	:	Mr.A.N.Ramanathan
For R1 to R5	:	Mr.B.Saravanan Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned proceedings in Na.Ma.Tho.Mu.169/09 dated 10.11.2009 passed by the fifth respondent and quash the same.



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2.The brief facts that has been set out in the affidavit filed in support of the writ petition are as follows:

Out of 1 acre 96 cents in S.F.No.429 situated at Nachandupatti Village, Thirumayam Taluk, Pudukkottai District, an extent of 98 cents was the petitioner's ancestral property and in the petitioner's family, there are three branches. The total extent of 1 acre and 96 cents belonged to two branches. The first branch is the respondents 6 to 11 family branch and the second branch is the petitioner's family branch. So far as the petitioner's family branch is concerned, it includes the petitioner, his brother and his two sisters. On 28.10.2009, the petitioner's sisters have executed a release deed in favour of the petitioner and his brother in respect of the aforesaid lands. The said lands are classified as Natham in the revenue records. However no entry was made till the year 2009. In the mean while, a civil litigation arose in respect of the subject property between the petitioner's branch ancestors. The petitioner's great grandfather viz., Nallakaruppan Chettiar, instituted a suit in O.S.No.1628 of 1922 before the Sub-Court, Pudukkottai, in which, the present property was one of the properties in the schedule. The said suit ended in



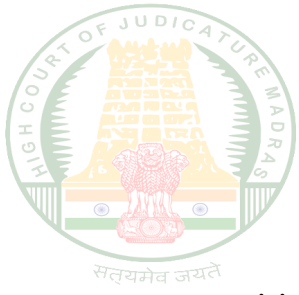
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a compromise and the compromise decree was passed by judgment and decree dated 12.12.1925 and from that date, the petitioner's ancestors and thereafter they have been in possession and enjoyment of the property now in question without any disturbance.

3.While so, it appears that without notice to the co-owners, the fifth respondent by the impugned proceedings, has subdivided the entire extent of 1 acre 96 cents in S.F.No.429 and entered the name of the respondents 6 to 14 and their parents' name in Natham Patta Adangal. This had been done without notice to the petitioner. He filed an appeal before the third respondent in the year 2010 itself, which has not been disposed of till now. Therefore, challenging the very same order, which is the subject matter challenged before the third respondent, the present writ petition is filed.

4.On the face it, the writ petition cannot be entertained since the petitioner has already availed an alternative remedy and filed an appeal before the third respondent. But, however, the learned counsel for the



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petitioner would submit that despite having filed this appeal as early as in the year 2009, till date no steps whatsoever taken to dispose of the same.

5.Considering the aforesaid submissions, this Writ Petition is disposed of directing the third respondent to forthwith to dispose of the appeal filed by the petitioner, on or before 22.10.2024. No costs. Consequently, connected miscellaneous petitions are closed.

6.Post the matter for reporting compliance on 23.10.2024.

19.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Pudukkottai Revenue Division,
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P.T.ASHA, J.

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4.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

5.The Deputy Tahsildar,
Thirumayam Taluk,
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