

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.28589 of 2015

Mrs.B.Lalitha

... Petitioner

Vs

- 1 The District Collector,
Collector Office,
No.62 Rajaji Salai,
Chennai- 1
- 2 The Tahsildar,
Aminjikarai Taluk Office
No.4 West Mada Street,
Koyambedu, Chennai-107
- 3 Arumighu Ekambareswarar
Thirukoil,
Having its Office at the
Temple Premises,
Aminjikarai, Chennai-29

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to include Petitioners name in the Adangal column of the Town Survey Register, as recommended by the 1st respondent.

For Petitioner : Mr. Asif Ali

For Respondents : Mr. K.v. Dhanapalan,
AGP for R1 to R3

O R D E R

Seeking to include the name of the petitioner in the Adangal Column of the Town Survey Register as recommended by the first respondent, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that the second respondent is duty bound to carry out the recommendations of the first respondent in this regard and therefore, prays for appropriate orders.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that it is the case, in which the second respondent has filed a suit in O.S.No.4912 of 2005 and obtained a decree, dated 06.10.2007, against the petitioner and as against the same, an appeal has been preferred by the petitioner herein in A.S.No.558 of 2008, which is pending on the file of the XVIII Additional City Civil Court, Chennai and therefore submitted that no interference is required. It is also submitted by the learned Additional Government Pleader that, as on today, arrears to the tune of Rs.16,72,831/- is due and payable by the petitioner.

4. In view of the above said factual position, the request made by the petitioner cannot be considered. Further, admittedly, an appeal filed by the petitioner is pending before the first appellate court. This Court is of the opinion that the petitioner's entitlement will come only after the disposal of the Appeal. Thus the relief sought for by the petitioner is rejected. Accordingly, the writ petition stands dismissed. Taking into consideration, the pendency of the first appeal, the XVIII Additional City Civil Court, Chennai, is hereby directed to dispose of A.S.No.558 of 2008 within a period of six months from the date of receipt of a copy of this order and report compliance before this Court. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srk

To

- 1 The District Collector, Collector Office,
No.62 Rajaji Salai, Chennai- 1
- 2 The Tahsildar, Aminjikarai Taluk Office,
No.4 West Mada Street,
Koyambedu, Chennai-107
- 3 Arumighu Ekambareswarar Thirukoil,
Aminjikarai, Chennai-29
4. XVIII Additional City Civil Court, Chennai - 104
(Compliance Report to be filed before this Court)

+1cc to Mr.Asif Ali, Advocate, S.R.No.49638

+1cc to the Government Pleader, S.R.No.49818

SKV(CO)
EU(29/09/2015)

W.P.No.28589 of 2015