

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.33200 of 2012

K.Sivanandam

... Petitioner

vs.

1. The District Collector,
Krishnagiri District.

2. The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

3. Saira Banu

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, forbearing respondents 1 and 2 from granting patta to the 3rd respondent with regard to S.No.572/2 in Batrahalli, Mathur, Pochampalli Taluk, Krishnagiri District, which is classified as path poramboke.

For petitioner : Mr.S.Subramanian

For respondents : Mr.R.Ravichandran, AGP for R1-R2
No appearance for R-3

सत्यमेव जयते
O R D E R

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of respondents 1 and 2. There is no representation on behalf of the 3rd respondent.

2. The petitioner has filed the present Writ Petition praying that this Court may be pleased to issue a writ of mandamus forbearing respondents 1 and 2 from granting patta to the 3rd respondent, with regard to S.No.572/2 in Batrahalli, Mathur, Pochampalli Taluk, Krishnagiri District, which is classified as path poramboke.

3. It is admitted by the learned counsel appearing on behalf of the petitioner that a Suit, in O.S.No.42 of 1995, on the file of the District Munsif Court, Uthankarai, had been filed by him for the cancellation of the patta issued in favour of one Abdullah Basha, and to declare the patta issued in favour of Abdullah Basha, as null and void, and for a consequential relief of permanent injunction restraining the 1st and 2nd defendants therein from interfering with his peaceful possession and enjoyment of the property in question. The said Suit was decreed in favour of the petitioner.

4. Aggrieved by the judgment and decree granted in favour of the petitioner, the 3rd defendant had filed an Appeal, in A.S.No.71 of 1997, on the file of the Principal District Judge, Dharmapuri. The learned Principal District Judge, Dharmapuri, had reversed the judgment and decree passed in favour of the petitioner. Challenging the judgment and decree of the learned the Principal District Judge, Dharmapuri, the petitioner had filed a Second Appeal, in S.A.No.1492 of 1998, which is still pending on the file of this Court. The learned counsel had further submitted that an interim order had been granted in favour of the petitioner in the said Second Appeal, by an order, dated 6.10.1998. Later, the said order of interim injunction had been made absolute, on 12.9.2003. The learned counsel appearing on behalf of respondents 1 and 2 had submitted that in view of the interim order granted by this Court, in S.A.No.1492 of 1998, no further orders are necessary in the present Writ Petition. He had further submitted that it is for the petitioner to work out his remedies, if any, in the pending Second Appeal, in S.A.No.1492 of 1998.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that no further orders are necessary in the present Writ Petition, at this stage. Hence, the Writ Petition stands dismissed. However, it is for the petitioner to work out his remedies, if any, before this Court, in the pending Second Appeal, in S.A.No.1492 of 1998. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

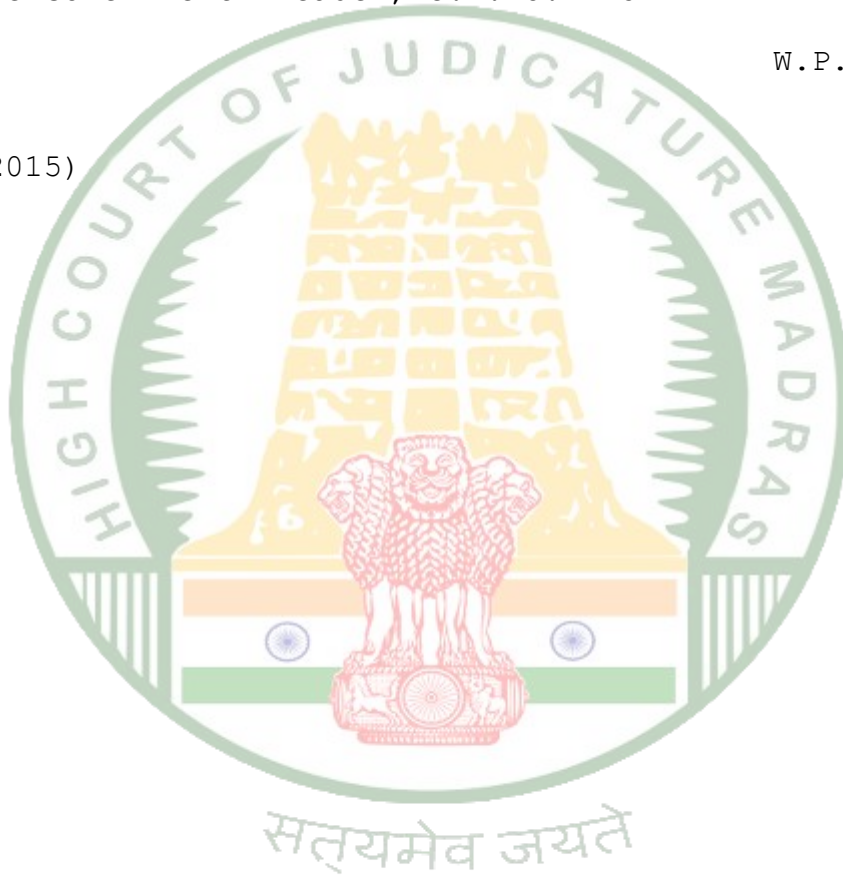
1.The District Collector,
Krishnagiri District.

2.The Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

+lcc to the Government Pleader, S.R.No.41237

W.P.No 33200 of 2012

BVR(CO)
CA(24/08/2015)



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