



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANWrit Petition (MD) No.13481 of 2015
and M.P.(MD)No.1 of 2015Murugesan
rep by his power of attorney
O.Rajendran
Noothapuram Village,
Kulathupatty, Nilakottai Taluk,
Dindigul District

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer, Dindigul.

3.The Tahsildar, Tahsildar Office,
Nilakottai Taluk, Dindigul District.

4.Sundarammal @ Subetha

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to delete the name of 4th respondent jointly appeared with name of the petitioner in Patta No.1837 and cancel the sub divisions of survey Nos. 145/10A and 10B and include only the name of the petitioner in patta no. 1837 for survey no.451/10 to the extent of 39 acres and take appropriate action against all those persons who are involved in the process of mutation of revenue records in the name of 4th respondent based on the petitioners representation dated 19.02.2015.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mrs.S.Bharathi, Government Advocate.

ORDER

Heard the learned counsel appearing for the petitioner and Mrs.S.Bharathi, learned Government Advocate for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The prayer in the writ petition is to direct the respondents to delete the name of the fourth respondent jointly appeared with name of the petitioner in Patta No.1837 and cancel sub divisions of survey Nos.145/10A and 10B and include only the name of the petitioner in patta no.1837 for survey No.451/10 to the extent of 39 acres and take appropriate action against all those persons who are involved in the process of mutation of revenue records in the name of the fourth

respondent based on the petitioner's representation dated 19.02.2015.

3. According to the petitioner, the petitioner's patta was modified without notice to the petitioner. It is further stated that the fourth respondent earlier filed a suit for bare injunction against the petitioner which was dismissed. Thereafter, an appeal filed by the fourth respondent was allowed against which the petitioner filed Second Appeal before this Court in S.A.No.59 of 2014 wherein an order of interim stay has been granted by this Court. According to him, the fourth respondent is proceeding further with the revenue authorities.

4. In view of the above said position, this Court need not entertain this writ petition and on the other hand to give quietus to this issue, the petitioner could be permitted to approach the authorities with all relevant documents ventilating his grievance.

5. Accordingly, the respondents are directed to consider the representation of the petitioner dated 19.02.2015 and pass appropriate orders on merits and in accordance with law, after affording due opportunity to the petitioner as well as other parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar.

sms

To

1. The District Collector, Dindigul District.

2. The Revenue Divisional Officer, Dindigul.

3. The Tahsildar, Tahsildar Office, Nilakottai Taluk,
Dindigul District.

+1CC to Mr.S.Vellaichamy Advocate SR.No.43316

+1CC to Spl Government Pleader SR.No.43971

Writ Petition (MD) No.13481 of 2015

Dated: 31.07.2015

GJM-13.8.2015-2P/6C