

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.32723/2016

B.Nambidasan

.. Petitioner

..Vs..

1.The District Collector
Coimbatore District,
Coimbatore.

2.The Tahsildar
Pollachi Taluk
Coimbatore District.

3.N.Shanmugasundram

4.S.Ananthi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus directing the respondents herein to consider, pass orders and dispose of the representation of the petitioner dated 26.02.2016 in respect of the properties namely agricultural land comprised in Survey No.152/1 sub division S.No.152/1A, measuring 3.29 acres out of 4.85.5 hectares situated in Puravipalayam village, Pollachi Taluk and another extent of agricultural land comprised in Survey No.152/1 sub division Survey No.152/1A measuring 0.06 cents out of 4.85.5 hectares situated in Puravipalayam village, Pollachi Taluk.

For Petitioner : Mr.T.Sivakumar

For Respondents : Mr.P.Chinnadurai

Government Advocate

ORDER

Heard Mr.T.Sivakumar, learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate accepting notice on behalf of the respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner is the husband of the 4th respondent and there appears to be serious disputes and differences between the petitioner and the 4th respondent and they are living separately. The petitioner would state that he was kidnapped and a criminal

case was registered and the 4th respondent was remanded to judicial custody. Be that as it may, in the present writ petition, the petitioner's grievance is that the patta in respect of the properties in question, should not be transferred in favour of the 3rd respondent herein. The petitioner seeks for such a relief from the revenue officials alleging that the properties which were standing in the name of his wife/4th respondent, was purchased by him from and out of his earnings and when there were disputes and differences between the petitioner and his wife/4th respondent, she has sold the properties in favour of the 3rd respondent herein. The petitioner has also filed a suit before the Sub Court, Pollachi, in OS.No.72/2016, which is pending. However, there are no interim orders. In the meantime, it appears that the purchaser, viz., the 3rd respondent herein, moved the revenue officials for grant of patta. The petitioner, on coming to know of the same, has given an objection before the District Collector. Prima facie, this Court is of the view that this being a civil dispute, the matter has to be sorted out only before the Civil Court.

3 However, it is seen that the representation given by the petitioner to the District Revenue Officer on 26.02.2016, was forwarded to the 2nd respondent herein vide proceedings O.Mu.No.4597/2016/E1 dated 31.05.2016 for appropriate action. However, this has been done without notice to the respondents 3 and 4.

4 In the light of the above, without going into the merits of the allegations made by the petitioner, there will be a direction to the 2nd respondent to take note of the proceedings of the District Revenue Officer dated 31.05.2016 in O.Mu.No.4597/2016/E1, issue notice to the petitioner and respondents 3 and 4 and proceed in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

5 The writ petition is disposed of with the above direction. No costs.

WEB COPY
20.09.2016

For Being Mentioned

This matter having been listed on 25.10.2016 for being mentioned in pursuance of order dated 20.09.2016 and made herein and in the presence of the aforesaid Counsel on either side the Court, made the following Order:

This matter came up for hearing today under the caption 'For Being Mentioned to' at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioner submits that though there is a dispute between the petitioner and his wife Sasikala and his wife Sasikala is not a party to this Writ Petition and the fourth respondent is not his wife. However, in the order passed in this Writ Petition on 20.09.2016, the fourth respondent has been mentioned as his wife.

3.Accordingly, the entire order is substituted as follows:

" Heard Mr.T.Sivakumar, learned counsel for the petitioner and Mr.P.Chinnadurai, learned Government Advocate accepting notice on behalf of the respondent and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner would state that he was kidnapped by his wife and a criminal case was registered and his wife was remanded to judicial custody. Be that as it may, in the present writ petition, the petitioner's grievance is that the patta in respect of the properties in question, should not be transferred in favour of the 3rd respondent herein. The petitioner seeks for such a relief from the revenue officials alleging that the properties which were standing in the name of his wife Sasikala, was purchased by him from and out of his earnings and when there were disputes and differences between the petitioner and his wife, she has sold the properties in favour of the 3rd respondent herein. The petitioner has also filed a suit before the Sub Court, Pollachi, in OS.No.72/2016, which is pending. However, there are no interim orders. In the meantime, it appears that the purchaser, viz., the 3rd respondent herein, moved the revenue officials for grant of patta. The petitioner, on coming to know of the same, has given an objection before the District Collector. Prima facie, this Court is of the view that this being a civil dispute, the matter has to be sorted out only before the Civil Court.

3 However, it is seen that the representation given by the petitioner to the District Revenue Officer on 26.02.2016, was forwarded to the 2nd respondent herein vide proceedings O.Mu.No.4597/2016/E1 dated 31.05.2016 for appropriate action. However, this has been done without notice to the respondents 3 and 4.

4 In the light of the above, without going into the merits of the allegations made by the petitioner, there will be a direction to the 2nd respondent to take note of the proceedings of the District Revenue Officer dated 31.05.2016 in O.Mu.No.4597/2016/E1, issue notice to the petitioner and respondents 3 and 4 and proceed in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

5 The writ petition is disposed of with the above direction. No costs."

Registry is directed to issue fresh order copy after substituting the above, in the order dated 20.09.2016.

Sd/-
Asst. Registrar(CSII)
dt:02/11/2016

/true copy/

Sub Asst. Registrar.

AP

To

1.The District Collector (To be Substituted the order already despatched on 21/10/16
Coimbatore District,
Coimbatore.

2.The Tahsildar
Pollachi Taluk
Coimbatore District.

+1 CC to M/s. T. Sivakumar, Advocate *Sr.No.61773

W.P.No.32723/2016

NR (CO)
MD : 04/10/2016
ctk(co)
aa02/11/2016