



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23/09/2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.13162 of 2016

and

W.M.P(MD)No.9928 of 2016

S.Saravanan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Karur.

2.The Tahsildar,
Taluk Office, Karur.

3.Nagappan

... Respondents

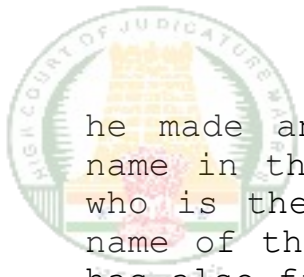
Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 herein not to alter the patta in Patta No.2857 in respect of the property situated in S.F.No.904/1, 905/5, 912/3, to an extent of 19 cents and S.F.No.909/B to an extent of 2.03-3/4, S.F.No.898/1, 906/3 to an extent of 69 cents situated at Thanthonimalai, Karur District, without conducting any proper enquiry in accordance with law.

For Petitioner	: Mr.S.Gokul Raj
For R-1 & R-2	: Mr.J.Gunaseelan Muthaiah, Government Advocate
For R-3	: Mr.J.Senthil Kumaraiah

ORDER

This Writ Petition has been filed by the petitioner seeking a direction to the respondents 1 and 2 herein not to alter the patta in Patta No.2857 in respect of the property situated in S.F.No.904/1, 905/5, 912/3, to an extent of 19 cents and S.F.No.909/B to an extent of 2.03-3/4 and S.F.No.898/1, 906/3 to an extent of 69 cents situated at Thanthonimalai, Karur District, without conducting any proper enquiry in accordance with law.

2. According to the petitioner, he purchased the property from one Raju by means of a registered sale deed. Subsequently,



he made an application before second respondent to include his name in the joint patta. In the meantime, the third respondent, who is the brother of his vendor, has taken steps to remove the name of the petitioner's vendor. In the above circumstances, he has also filed this Writ Petition with the aforesaid prayer.

WEB COPY

3. Now the first respondent filed a counter affidavit stating that against the order passed including the name of the petitioner, the third respondent filed an appeal before the first respondent and the appeal is pending and now the first respondent has also issued notice to the petitioner and his vendor to appear for enquiry and now the enquiry is pending.

4. In the above circumstances, the relief sought for in this Writ Petition cannot be granted. However, the petitioner being the purchaser of the property is now stepped into the shoes of his vendor, if at all he is having any grievance, he could appear before the first respondent in the above appeal filed by the third respondent and raise his objections. In that event, the first respondent is directed to conduct enquiry and consider the objections to be raised by the petitioner and pass suitable orders, as expeditiously as possible, on merits and in accordance with law.

With the above observation and direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer, Karur.

2.The Tahsildar, Taluk Office, Karur.

+1 CC to Mr.J.SENTHIL KUMARIAH, Advocate, SR No.55780

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.55605

W.P(MD)No.13162 of 2016
23/09/2016

pm

SH/EM-MPA:18.10.2016:2P/5C