



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.11.2016

Coram

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.2960 of 2013

THANGAVEL

...Petitioner

-Vs-

1 THE TAHSILDAR
DINDIGUL TALUK OFFICE,
DINDIGUL DISTRICT.

2 GOVINDAMMAL

3 CHINNAKALAI @ PERUMAL

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to restore the patta in the petitioner's name in Survey No.412/1H situated at Kasavanampatty Village, Dindigul District.

For petitioner

:Mr.G.Gomathi Shankar

For respondents

:Mr.V.Muruganandham

Additional Govt. Pleader for R-1

Mr.D.Venkatesh for RR-2 & 3

ORDER

The writ petition has been filed for issuance of a direction, directing the 1st respondent to restore the patta in the petitioner's name in Survey No.412/1H situated at Kasavanampatty Village, Dindigul District.

2.According to the petitioner, the land in Sy.No.412/1H in Kasavanampatty Village, Dindigul District originally belongs to the petitioner's mother and patta also stands in her name. Subsequently, his mother died and in respect of the above said property, a civil suit was filed by the petitioner seeking partition of his 1/3rd share and the said suit was dismissed and as against the same, the petitioner preferred an appeal and the same was also dismissed. As against the same, now, a second appeal is also pending before this Court.

3.The grievance of the petitioner is that without considering the fact that civil suits are pending between the petitioner and other co-owners, the first respondent/Tahsildar, Dindigul Taluk, passed an order transferring patta in favour of the respondents 2 and 3. In the above circumstances, the petitioner made a representation to the first respondent on 27.08.2012 to cancel the patta and the above application is pending. Hence, he has filed the present writ petition.



4. Heard the learned Additional Government Pleader appearing for the respondents.

5. Taking into consideration of the fact that the petitioner already filed a representation before the authorities to cancel the patta, the first respondent/Tahsildar, Dindigul Taluk Office is directed to consider the petitioner's representation, dated 27.08.2012 and pass suitable orders, after issuing notice to the petitioner and the respondents 2 and 3 on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar(CS)

To
THE TAHSILDAR
DINDIGUL TALUK OFFICE,
DINDIGUL DISTRICT.

+1cc to Mr.D.Venkatesh, Advocate in SR.70495
+1cc to Mr.G.Gomathisankar, Advocate in SR.49526
+1cc to the Special Government Pleader in SR.69770

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16.11.2016

vs
PBK/PM 28.12.2016 ::2P-5C