

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.22168 of 2017

S.Kittathal

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Tirupur District.

2.The District Revenue Officer,
District Collector Office Building,
Tiruppur.

3.The Tahsildhar,
O/o. Revenue Tahsildhar,
Dharapuram - 638 656.

4.N.Chinnasamy Gounder

5.C.Kumarrathinam

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, forbearing the respondents from making any alteration in the patta comprised in S.F.Nos.755, 756, 758, 759, 770/1, 770/3, 772/1, 772/3 situated at Kannivadi Village, Dharapuram Taluk, Tirupur District and S.F.Nos.120/1, 123/1, 128/3 and 132/1 situated at Senathipathipalayam Village, Dharapuram Taluk, Tirupur District, pending suit in O.S.No.181/2013, on the file of Sub Court, Dharapuram, Tirupur District.

For Petitioner : Mr.D.Balachandran

For Respondents: Mr.S.V.Doraisolaimalai

Additional Government Pleader
(R1-3)

O R D E R

Mr.S.V.Doraisolaimalai, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus forbearing the respondents from making alteration in the patta comprised in S.F.Nos.755, 756, 758, 759, 770/1, 770/3, 772/1, 772/3 situated in Kannivadi Village, Dharapuram Taluk, Tirupur District and S.F.Nos.120/1, 123/1, 128/3 and 132/1 situated at Senathipathipalayam Village, Dharapuram Taluk, Tirupur District, pending suit in O.S.No.181 of 2013, on the file of Subordinate Court, Dharapuram, Tirupur District.

3.On a perusal of the materials available on record, it could be seen that the petitioner has already filed a suit in O.S.No.181 of 2013 on the file of the Subordinate Court, Dharapuram, for partition and separate possession. Now, pending the suit, the petitioner has filed the present writ petition, seeking for a direction restraining the respondents from altering the patta in favour of the respondents 4 and 5. Since the Civil Suit is pending before the trial Court and in the event of the respondents altering the patta in favour of the respondents 4 and 5 and in the event of the petitioner succeeding in the suit in O.S.No.181 of 2013, the alteration made by the respondents can be reversed. When the Civil Suit is pending, I do not find any reason to entertain the present writ petition.

6.Hence, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

Rg/ah
To

1.The District Collector,
O/o. The District Collector,
Tirupur District.

2.The District Revenue Officer,
District Collector Office Building,
Tiruppur.

3.The Tahsildhar,
O/o. Revenue Tahsildhar,
Dharapuram - 638 656.

+1cc to Mr.D.Balachandran,Advocate sr.60775
+1cc to Government Pleader sr.60210

W.P.No.22168 of 2017

ss (4/9/2017)