

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.17530 of 2017

Santhanam Ammal

[Petitioner]

Vs

1 The Tahsildar
O/o. The Tahsildar
Sankarapuram Taluk
Villupuram District.

2 K.Suresh

[Respondent]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the 1st respondent from issuance of patta infavour of the 2nd respondent with regard to the properties comprised in Survey Nos.64/4E, 62 /8, 62/9, 62/10, 62/11, 62/12, 62/13, 64/4, 65/8, 69/2 situated in Yall Village Sankarapuram Taluk Villupuram District based on the petitioners representation dated 05.01.2017 and lawyer notice dated 02.02.2017 within a time that may be framed by this Court.

For Petitioner : Mr.S.Kanmani

For Respondents : Mr.S.N.Parthasarathi, GA(R1)

ORDER

Mr.S.N.Parthasarathi, learned Government Advocate takes notice for the 1st respondent. By consent, the main writ petition itself 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 1st respondent from issuing patta infavour of the 2nd respondent with regard to the properties comprised in Survey Nos.64/4E, 62 /8, 62/9, 62/10, 62/11, 62/12, 62/13, 64/4, 65/8 and 69/2 situated in Yall

Village, Sankarapuram Taluk, Villupuram District, based on her representation dated 05.01.2017 and lawyer notice dated 02.02.2017, within a time frame.

3. The learned counsel appearing for the petitioner submitted that the petitioner has filed a Civil Suit in O.S.No.15 of 2017 on the file of the District Munsif Court, Sankarapuram for permanent injunction as against the 2nd respondent and others and that Civil Suit is pending. Further, the learned counsel submitted that in view of the pendency of the Civil Suit between the parties, the 1st respondent should be restrained from issuing patta in favour of the 2nd respondent.

4. Mr.S.N.Parthasarathi, learned Government Advocate appearing for the 1st respondent submitted that the 1st respondent may be directed to consider the petitioner's representation dated 05.01.2017 and pass orders in accordance with law, after giving notice to the 2nd respondent and also taking into consideration the pendency of the Civil Suit in O.S.No.15 of 2017.

5. In view of the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioner's representation dated 05.01.2017 and pass orders within a period of four weeks from the date of receipt of a copy of this order, after giving notice to the 2nd respondent and also taking into consideration the pendency of the Civil Suit in O.S.No.15 of 2017.

With the above observation, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

rg
To
The Tahsildar
O/o. The Tahsildar
Sankarapuram Taluk
Villupuram District
+1cc to Mr.S.Kanmani,Advocate sr.48830

+1cc to Government Pleader sr.48660

W.P.No.17530 of 2017

sv1 (co)
ss (21/7/2017)