



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.06.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.510 of 2017
and
C.M.P. (MD)No.4393 of 2017

1. The District Collector,
Dindigul District
 2. The Assistant Director (Health Services)
Palani, Dindigul District
 3. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District
 4. The Tahsildar,
Kodaikanal
Dindigul District
 5. The Chief Land Surveyor,
Office of Tahsildar
Kodaikanal
Dindigul District
- .. Appellants

Vs.

C.Sundharavadivel .. Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD) No.4561/2013 dated 21.11.2016.

Prayer in WP(MD). 4561/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent herein to issue patta in favour of the petitioner, excluding the area of the Primary Health Centre Building in Survey No.580/1 situated at Poolathur Village, as per 4th respondent proceeding in Na.Ka.No.5207/95/B1 dated 29.06.2012 and to make necessary entry in the pata pass book.

**JUDGMENT**

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**)

WEB COPY This writ appeal by the District Collector and others, who are the respondents in the writ petition, is directed against the order dated 21.11.2016, by which, the Writ court directed the 4th appellant to issue patta in favour of the respondent / writ petitioner, as per the proceedings dated 29.06.2012 in Na.Ka.No.5207/95/B1 subject to the result of the appeal filed by the appellants in A.S.No.20/2015 pending on the file of the Sub Court, Palani.

2. Admittedly, the suit has been decreed and in the appeal filed by the appellants herein, the lower appellate Court has not granted any interim order. Further more, it appears that the respondent / writ petitioner had undertaken before the Sub Court not to alienate the property. Thus, we find that the order passed by the learned single Judge in directing the issuance of patta subject to the result of A.S.No.20/2015 is perfectly in order.

3. The learned Special Government Pleader would submit that the lower appellate Court may be directed to dispose of the appeal at an early date.

4. In the light of the above discussion, we find that there are no good grounds to interfere with the order passed by the learned single Judge. We make it clear that the issuance of patta will be subject to the result of A.S.No.20/2015 and the same should be specifically mentioned in the patta that will be issued in favour of the respondent/writ petitioner. Further, the respondent/writ petitioner shall not alienate the property in question during the disposal of A.S.No.20/2015 on the file of the Sub Court, Palani, and this undertaking given by the respondent shall also be specifically mentioned in the patta. Considering the fact that the appeal before the lower appellate Court is by the Revenue, we direct the Sub Court, Palani to dispose of the appeal at an early date, preferably, within a period of six months from the date of receipt of a copy of this order.

5. In the result, the writ appeal fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Dindigul District
2. The Assistant Director (Health Services)
Palani, Dindigul District
3. The Revenue Divisional Officer,
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Dindigul District
4. The Tahsildar,
Kodaikanal
Dindigul District
5. The Chief Land Surveyor,
Office of Tahsildar
Kodaikanal
Dindigul District.
6. The Subordinate Judge,
Palani.

+1cc to Mr.M.Muthu Geethaiyan, Advocate Sr.No.58054

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vb/skn/sar1/08.06.2017/3p/8c

JUDGMENT IN
W.A (MD) No.510 of 2017
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