

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.06.2017

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**AND****THE HONOURABLE MR.JUSTICE P.VELMURUGAN****W.A. [MD] .No.581 of 2017**

K.Subsramanian

: Appellant

Vs.

1.Udaiyachi

2.The District Collector,
District Collector Office Campus,
Sivagangai.3.The Tahsildar,
Devakottai Taluk Office,
Devakottai, Sivagangai District.4.The Sub-Collector,
Sub-Collector Office,
Devakottai, Sivagangai District.5.The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District.

: Respondents

PRAYER:Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 10.11.2016 made in W.P.(MD).No.21628 of 2016 on the file of this Court.

Prayer in WP(MD). 21628/ 2016: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to direct the respondents to consider the petitioners representation dated 19.07.2016 for deleting the wrong entries made regarding the extent of petitioners property in the Patta in respect of in Town Survey Ward A, Block No.18, T.S.No.5, Plot No.8, State Bank Colony, Devakottai Town, Sivagangai District and directing the 2nd respondent to issue fresh patta in favour of the petitioner with original extent as per the petitioners sale deed dated 19.09.2011 with in a stipulated time.

For Appellant : Mr.A.Hajamohideen

For Respondent No.1 : Mr.V.Muthukamatchi

For Respondents 2 to 5: Mr.VR.Shanmuganathan

Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order dated 10.11.2016 made in W.P.(MD).No.21628 of 2016.

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2. The said Writ Petition was filed by the first respondent herein to direct the official respondents to consider the representation of the first respondent dated 19.07.2016 for deleting the wrong entries made, regarding the extent of the subject property mentioned in the sale deed of the first respondent dated 19.09.2011.

3. The learned counsel for the appellant pointed out that the very same property is the subject matter of the civil litigation in O.S.No.24 of 2013, on the file of the District Munsif Court, Devakottai and therefore, without notice to the appellant herein, the Tahsildar, Devakottai, cannot be directed to issue patta, by considering the representation of the first respondent, as the appellant was not impleaded as a party respondent to the Writ Petition.

4. The fact that the Civil Suit is pending is not disputed by the first respondent. In such an event, the first respondent ought to have impleaded the appellant as a party to the Writ Petition. In the light of the above facts, we are inclined to interfere with the direction issued by the Writ Court, more particularly, in Paragraph No.4 of the order.

5. Accordingly, the order dated 10.11.2016 made in W.P.(MD). No.21628 of 2016 is set aside and instead, we direct the Tahsildar, Devakottai, Sivagangai District, the third respondent herein, to issue notice to the appellant and the first respondent herein, afford them an opportunity of personal hearing, peruse all the documents, which may be produced by them and thereafter, pass a reasoned order, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this Judgment. No costs.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Office Campus,
Sivagangai.



2. The Tahsildar,
Devakottai Taluk Office,
Devakottai, Sivagangai District.

3. The Sub-Collector,
Sub-Collector Office,
Devakottai, Sivagangai District.

4. The Commissioner,
Devakottai Municipality,
Devakottai, Sivagangai District.

+1cc to M/S. A.HAJA MOHIDEEN, Advocate, SR.No.58990.

JUDGMENT MADE IN
W.A. [MD] .No.581 of 2017
06.06.2017

SDS/SV/SAR 1/16.06.2017/3P/6C