



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.1265 of 2017
and
WMP(MD).No.1057 of 2017

Krishnasamy Naicker

... Petitioner

Vs.

1.The District Collector
Tuticorin District.

2.The Revenue Divisional Officer
Kovilpatti Taluk,
Tuticorin District.

3.The Tahsildar
Kovilpatti Taluk
Tuticorin District.

4.The Taluk Surveyor
Kovilpatti Taluk
Tuticorin District.

5.P.H.VinthoPandian

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1-4 forbearing from conduct any survey and sub-division of petitioner's property in Survey No.263 situated in Panneerkulam Village, Kovilpatti Taluk, Tuticorin District, by way of a registered fraudulent sale deed dated 16.3.2005 vide Document No. 316/2005, on the basis of the petitioner's representation dated 09.12.2016.

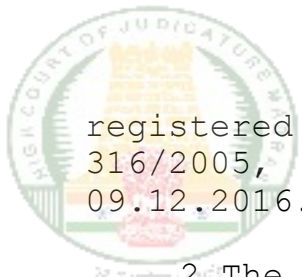
For Petitioner : No appearance

For Respondent : Mr.T.S.Mohammed Mohideen

Addl. Government Pleader for R1 to R4

ORDER

This writ petition is filed seeking for a Mandamus forbearing the respondents 1 to 4 from conducting any survey and sub-division of petitioner's property in Survey No.263 situated in Panneerkulam Village, Kovilpatti Taluk, Tuticorin District, by way of a



registered fraudulent sale deed dated 16.3.2005 vide Document No. 316/2005, on the basis of the petitioner's representation dated 09.12.2016.

2. The learned Additional Government Pleader appearing for the respondents 1 to 4, based on instructions, submitted that the survey has already been conducted and based on such survey, patta was also issued in favour of the fifth respondent. He further submitted that as against the grant of patta, the present petitioner himself has already filed a writ petition in W.P(MD)No.14848 of 2015 and the same is pending before this Court. Therefore, he contended that the petitioner has filed the present writ petition suppressing the above-said fact.

3. Perusal of the writ petition in W.P(MD)No.14848 of 2015, which is also posted along with this writ petition, would show that the present petitioner has already filed the writ petition challenging the grant of patta in pursuant to the survey of the land, however, the said fact is not disclosed in the affidavit filed in support of the present writ petition. Therefore, this writ petition deserves to be dismissed on the ground of suppression of material facts with costs.

4. Accordingly, this writ petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) payable to the Legal Aid Services Authority of this Court, within a period of two weeks. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector
Tuticorin District.

2. The Revenue Divisional Officer
Kovilpatti Taluk,
Tuticorin District.

3. The Tahsildar
Kovilpatti Taluk
Tuticorin District.

4. The Taluk Surveyor
Kovilpatti Taluk
Tuticorin District.

+1cc to Special Government Pleader in SR. No.5708

Skn

js/bs/13.02.2017/2p-6c

<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No.1265 of 2017
and
WMP (MD) .No.1057 of 2017
01.02.2017