

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

DATED : 03.10.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P. (MD) No.16954 of 2017

Prema

... Petitioner

-vs-

1. The District Collector,
Dindigul District, Dindigul.

2. The Thasildar (East),
Dindigul Taluk, Taluk Office,
Dindigul, Dindigul District.

3. Annadurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 2nd respondent from making changes in the Patta (No.549) in connection with the S.No.260/7B (old S.No.260/7) situated at Sanarpatti Village, Dindigul (East) Taluk, Dindigul District till the disposal of Appeal suits Nos.52 of 2017 and 54 of 2017 pending before Additional Sub Court, Dindigul.

For Petitioner : Mr.D.Selvaraj
For R1 & R2 : Mr.T.S.Mohamed Mohideen,
Addl. Govt. Pleader

O R D E R

This writ petition has been filed by the petitioner, seeking a Writ of Mandamus, forbearing the second respondent from making any changes in her property, till the disposal of A.S.Nos.52 & 54 of 2017, pending before the Additional Sub Court, Dindigul.

2. According to the petitioner, she had purchased a property in Patta No.549 in S.No.260/7B (Old S.No.260/7) situated at Sanarpatti Village, Dindigul (East) Taluk, Dindigul District and she had been in enjoyment since 1982. It is the case of the petitioner that all of a sudden, the third respondent and his family members encroached her property and thereafter, both the parties filed separate suits before the Court below. Subsequently, the suits ended in favour of the third respondent, against which, the petitioner preferred appeals, which are said to be pending. It is her specific case that pending disposal of appeals, the third respondent approached the authorities to make changes in the patta



in respect of the property in question and aggrieved by the same, the petitioner has submitted a representation on 04.09.2017, requesting the respondents 1 & 2 not to mutate the records without her knowledge and notice, which did not yield any fruitful result so far and hence the petitioner is before this Court.

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3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2. Notice to R3 is dispensed with in view of the fact that opportunity of hearing will be given to R3 by the concerned authority, while taking a final decision on the matter.

4. Though the prayer in the writ petition is for a larger relief, the learned Counsel for the petitioner has now confined his prayer to the extent of consideration and disposal of the representation of the petitioner dated 04.09.2017 by the authorities in the manner known to law within a stipulated time period.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the respondents, more particularly the 2nd respondent to consider the representation of the petitioner dated 04.09.2017 and pass appropriate orders thereon on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as the third respondent,.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Dindigul District, Dindigul.
2. The Thasildar (East),
Dindigul Taluk, Taluk Office,
Dindigul, Dindigul District.

+1cc to M/S. D.SELVARAJ, Advocate, SR.No.81454.

+1cc to Special Government Pleader, SR.No.81535.

W.P. (MD) No.16954 of 2017

03.10.2017