



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM:

THE HONOURABLE **MR. JUSTICE K. KALYANASUNDARAM**

W.P. (MD) No. 18067 of 2017

and

W.M.P. (MD) No. 14521 of 2017

S. Muniyasamy

...Petitioner

-Vs-

1. The District Collector,  
Sivagangai District,

2. The Revenue Divisional Officer,  
Sivagangai Taluk,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from proceeding with their construction of a building in the name of service center in Samuthiram Village, Ilayangudi Taluk, Sivagangai District at the properties situated in Survey Nos. 161/15, 183/11 and 184/1B till the disposal of the appeal in respect of patta proceedings pending before the second respondent vide Appeal No. 1517 of 2016 pending on his file.

For Petitioner : Mr. R. Anand

For Respondents : Mr. A. Muthu Karuppan  
Additional Government Pleader

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### **ORDER**

This writ petition is filed for a direction to forbear the respondents from proceeding with their construction of a building in the name of service center in Samuthiram Village, Ilayangudi Taluk, Sivagangai District at the properties situated in Survey Nos. 161/15, 183/11 and 184/1B till the disposal of the appeal of the petitioner dated 31.08.2016, in respect of patta proceedings pending before the second respondent vide Appeal No. 1517 of 2016.

2. Heard Mr. R. Anand, learned counsel for the petitioner, <https://hservices.ecourts.gov.in/hservices/> Mr. A. Muthu Karuppan, learned Special Government Pleader for the respondents and perused the records.



3. The learned counsel for the petitioner would submit that the property in dispute originally belongs to his father Seeni Pitchai and after his demise, it devolved on the petitioner, but, in the meanwhile, by creating documents, patta was transferred in the names of one Muniswaran and Kottaisamy. Challenging the patta transfer, the petitioner has preferred an appeal before the second respondent.

4. The learned counsel for the petitioner would further submit that taking advantage of the patta issued in favour of third parties, they have gifted the property in favour of the local authority and now, a building is constructed for usage of Village Panchayat Service Center. The petitioner would be satisfied if a direction is issued to the first respondent to consider his representation.

5. In the light of the submission made by the learned counsel for the petitioner, this Court, directs the first respondent to consider the representation of the petitioner dated 06.09.2016, on merits and in accordance with law, after giving necessary opportunity to all the necessary parties, within a period of six weeks from the date of receipt of copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,  
Sivagangai District,
- 2.The Revenue Divisional Officer,  
Sivagangai Taluk,  
Sivagangai District.

+1cc to M/S.R.ANAND, Advocate SR.No.80692  
+1cc to Special Government Pleader, SR.No. 81127

sm  
JS/SV-MMS/SAR2:04.10.2017:2P-5C