



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.10397 of 2016

and

W.M.P(MD)No.8105 of 2016

K.P.Saravanan

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Kulithalai Taluk,
Karur District.

2.Veerammal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent not to grant patta in favour of the second respondent and other legal heirs as per the objection made by the petitioner, dated 20.04.2016.

For Petitioner : Mr.S.Gokulraj

For Respondent No.1 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

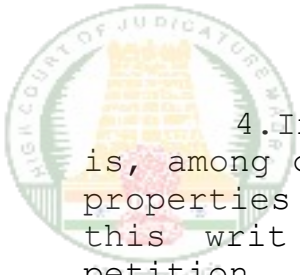
For Respondent No.2 : Mr.V.Illanchezian

ORDER

This writ petition is filed seeking a writ of Mandamus to direct direct the first respondent not to grant patta in favour of the second respondent and other legal heirs, as per the objection made by the petitioner, dated 20.04.2016.

2.Heard both sides.

3.The case of the petitioner is that his grandfather executed a will in favour of his father and other legal heirs in respect of the property to an extent of 20 cents, situates in Survey No.245/1, New Survey No.527/1, Mela Theru, Telungapatti, Poranthalur, Kulithalai Taluk, Karur District and in respect of the said property a civil dispute is pending before civil forum. According to the petitioner, during pendency of the same, the second respondent tried to get patta in his favour. Therefore, the petitioner made objection to the first respondent on 20.04.2016. Since the same has not been considered so far, the petitioner is before this Court.



4. In the counter affidavit filed by the second respondent, it is, among other things, stated that the petitioner tried to grab the properties owned by the second respondent and her sisters by filing this writ petition and prayed for the dismissal of this writ petition.

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5. The learned Counsel for the petitioner would submit that it would be suffice, if the objection of the petitioner dated 20.04.2016, is considered by the first respondent, as per law.

6. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the objection filed by the petitioner, dated 20.04.2016, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the second respondent, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Taluk Office,
Kulithalai Taluk,
Karur District.

+1cc to Mr.S.GOKULRAJ Advocate in SR. No. 84963
+1cc to Mr.V.ILLANCHEZIAN Advocate in SR. No. 84949
+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 85404

SMN

JS/JC/SAR.3/16.11.2017/2P-5C

ORDER MADE IN
W.P (MD) No.10397 of 2016
and
W.M.P (MD) No.8105 of 2016
02.11.2017