



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM:

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

W.P(MD)No.21448 of 2017

and

W.M.P(MD)No.17714 of 2017

Asokan

.. Petitioner

Vs.

1.The Thasildar,
Musiri Taluk, Trichy District.

2.Mathizhagan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the first respondent from effecting any name transfer in respect of Survey No.52/4A1, 52/3B1, 52/2C2, 52/4A3 and 52/3B2, Musiri Village, Trichy District, without final adjudication in S.A(MD) No.405 of 2013, pending on the file of Madurai Bench of Madras High Court.

For Petitioner : Mr.K.Govindarajan

For Respondent No.1 : Mr.J.Gunaseelan Muthaiah,
Government Advocate.
R.2 - Dispensed with.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the first respondent not to effect any name transfer in respect of Survey Nos.52/4A1, 52/3B1, 52/2C2, 52/4A3 and 52/3B2, Musiri Village, Trichy District, till the disposal of S.A(MD)No.405 of 2013 pending on the file of this Court.

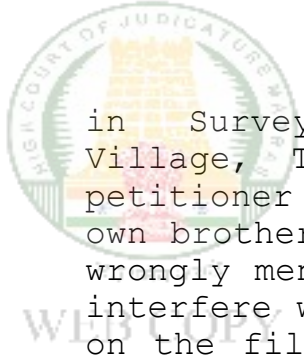
2.Mr.J.Gunaseelan Muthaiah, learned Government Advocate. takes notice for the first respondent. In view of the nature of the relief sought for by the petitioner, notice to the second respondent is dispensed with.

3.By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

4.Heard both sides.

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

5.The case of the petitioner is that the properties comprised



in Survey Nos.52/4A1, 52/3B1, 52/2C2, 52/4A3 and 52/3B2, Musiri Village, Trichy District, are the ancestral properties of the petitioner as well as father of the second respondent, who is his own brother. Since the extent of property allotted to his share is wrongly mentioned, the father of the second respondent attempted to interfere with his rights and therefore he filed O.S.No.220 of 2001 on the file of the District Munsif court, Musiri and the same was partly decreed, against which, the petitioner filed S.A(MD)No.405 of 2013 before this Court. While so, the second respondent, suppressing the same, filed a writ petition in W.P(MD)No.18004 of 2017, wherein this Court passed an order directing the authorities to consider his representation seeking for mutation. Therefore, the petitioner made a representation, dated 08.11.2017, to the first respondent, seeking not to effect mutation in respect of the said properties. Since the first respondent is attempting to effect mutation, the petitioner is before this Court.

6.The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner, dated 08.11.2017, is directed to be disposed of, by the first respondent, as per law.

7.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 representation of the petitioner, dated 08.11.2017, 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 other interested parties including the second respondent, within a period of eight weeks from the date of receipt of a copy of this order.

8.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 Thasildar,
Musiri Taluk,
Trichy District.

+1cc to Mr.K.GOVINDARAJAN Advocate in SR. No. 90279

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 90553

SMN

JS/SKN.RSK/SAR.1/20.12.2017/2P-4C

ORDER MADE IN
W.P(MD)No.21448 of 2017
and
W.M.P(MD)No.17714 of 2017
29.11.2017