



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2017

CORAM

THE HON'BLE MR.JUSTICE K. RAVICHANDRABAABU

WEB COPY

W.P. (MD) No. 2349 of 2017

K.A.Durairaj

... Petitioner

-Vs-

- 1.The District Revenue Officer,
Trichy,
Trichy District.
- 2.The Revenue Divisional Office,
Musuri,
Trichy District.
- 3.The Tahsildar,
Thuraiyur,
Trichy District.
- 4.Y.Sangeetha
- 5.V.Malar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the respondent 2 and 3 herein to consider the petitioner's representation / objection dated 24.01.2017 and pass appropriate orders in accordance with Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987 and not to make any changes in revenue documents in respect of Survey No.424/3 and 424/4, Govindapuram Village, Murugur Majra, Thuraiyur Taluk, Trichy District, in view of pendency of the Civil Suits in O.S.No.224 of 2006 and O.S.No.124 of 2016 before District Munsif Court, Thuraiyur, Trichy District, within a time stipulated by this Court.

For Petitioner : Mr. D. Nallathambi

For Respondents : Mr. T.S. Mohammed Mohideen

Additional Government Pleader for R1 to R3

ORDER

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents.1 to 3.

2.The petitioner seeks for a Mandamus directing the respondents 2 and 3 to consider his representation/objection, dated 24.01.2017, wherein and whereby, he objected to the transfer of patta as sought for by the respondents 4 and 5 before the third



respondent, in respect of the property referred to in the writ petition.

3. According to the petitioner, some civil suits are pending in respect of subject property and therefore, the Tahsildar should not entertain the request of the respondents 4 and 5.

4. This Court, at this stage, is not expressing any view on the claim made by the petitioner as admittedly he has gone before the third respondent by way of representation/objection dated 24.01.2017 and the said representation/objection is still pending consideration of the third respondent. Therefore, the petitioner is not justified in rushing to this Court and filing the present writ petition when the third respondent has not passed any orders on the representation/objection of the petitioner, dated 24.01.2017.

5. Needless to say that the third respondent has to consider the representation/objection of the petitioner and pass orders on the same while considering the request of the respondents 4 and 5 seeking for transfer of patta. In other words, the third respondent shall hear both the parties and pass such an order on merits and in accordance with law. When that being the position, I do not think that there is any necessity for the petitioner to file the present writ petition seeking the relief as stated supra.

6. Accordingly, this writ petition is disposed of only with a direction to the third respondent to pass orders on the representation/objection of the petitioner, after hearing the rival parties including the respondents 4 and 5. Such exercise shall be done by the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To:

1. The District Revenue Officer,
Trichy,
Trichy District.

<https://hccse.courtrecordservices.in/>
2. The Revenue Divisional Office,
Musuri,
Trichy District.



3.The Tahsildar,
Thuraiyur,
Trichy District.

+1cc to M/S.D.Nallathambi, Advocate, SR.No:7964

+1cc to Spl. Government Pleader, SR.No:8065

PM

AE/CM MSA/27.02.2017/3P/6C

W.P. (MD) No. 2349 of 2017
13.02.2017