



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.19752 of 2016 and

WMP(MD)No.14243 of 2016

P.K.Abdul Kahadar

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2. The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

3.Jannath Gani

4.Noorjahan

5.P.S.Jamruth Begum

6.Hajiran Beevi

7.Ameer Beevi

8.Shahul Hameed

9.Nihara

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus forbearing the respondents 1 & 2 herein from conducting proceeding based on the application given by the Respondents 3 to 9 herein regarding the property in R.S.No.165/1, New R.S.No.165/1B at Cholapuram village, Kumbakonam Taluk, Thanjavur District measuring to an extent of 10 Acres 19 Cents, which is the subject matter of suit in O.S.No.167 of 2013 on the file of the Principal District Munsif, Kumbakonam, pending disposal of the above suit.



For Petitioner : Mr.S.Rajaprabu
For Respondents 1 & 2 : Mr.J.Gunaseelan Muthiah
Government Advocate
For Respondents 3 to 5 : Mr.G.Gomathi Sankar

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ORDER

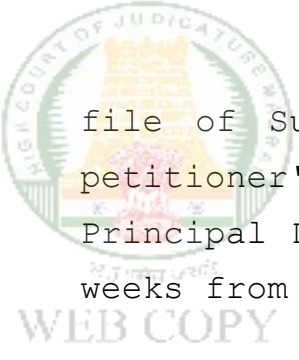
This writ petition has been filed, seeking a Writ of mandamus forbearing the respondents 1 & 2 from proceeding further on the basis of the representation of the third respondent.

2.Heard both side. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner would submit that his mother executed a registered settlement deed dated 26.05.2016 in his favour in respect of the property in question and two suits in OS.No.174 of 2016 and OS.No.167 of 2013 are pending relating to the said property. On the basis of the representation of the third respondent, the first and second respondent have issued notices to the petitioner. Aggrieved over the same the petitioner is before this Court, to direct the respondent not to proceed further.

4.The learned Government Advocate appearing for the first and second respondents would submit that relating to the patta dispute, on the basis of representation of one Janath kani, the petitioner was required by communication dated 09.08.2016 along with necessary documentary evidence by the respondents. The petitioner also appeared and filed his objections. In the meanwhile the petitioner filed OS.No.174 of 2016 before the Sub Court, Kumbakonam relating to the subject mentioned property.

5. Under such circumstances, this Court, without going into the merits of the case, directs the respondents to pass appropriate orders on merits and in accordance with law and also keeping in mind the suit filed by the petitioner in OS.No.174 of 2016 on the



file of Sub Court, Kumbakonam as well as the suit filed by the petitioner's mother in OS.No.167 of 2013 on the file of the Principal District Munsif Court, Kumbakonam within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
2. The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

+1cc to M/S.G.GOMATHISANKAR, Advocate SR.No.84795.

+1cc to M/S.S.RAJAPRABU, Advocate SR.No.84848.

ORDER MADE IN
W.P (MD) No.19752 of 2016
01.11.201

dsk
SDS/SV:MMS/SAR 2/10.11.2017/3P/5C