



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD)No.2349 of 2013

R.Manikandan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampatti Taluk Office,
Usilampatti,
Madurai District.

3.P.Udhayasankar

... Respondents

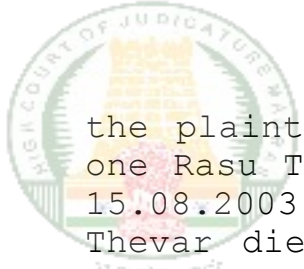
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's appeal dated 29.11.2012 regarding the cancellation of Patta No.587 in respect of property in Survey No.22/9 situated at Pullaneri Village, Karumathur Group, Madurai District measuring an extent of 11 cents within a time frame stipulated by this Court.

For Petitioner	:	Mr.B.S.Meltiue
For R1 & R2	:	Mrs.S.Bharathi
		Government Advocate
For R3	:	Mr.J.Bharathan

ORDER

The writ petition is filed for a direction to the first respondent to consider the petitioner's appeal dated 29.11.2012 regarding cancellation of Patta No.587 in respect of property in Survey No.22/9 situated at Pullaneri Village, Karumathur Group, Madurai District, measuring an extent of 11 cents within a time frame stipulated by this Court.

2. It is seen from the rival pleadings and the admitted facts that a suit in O.S.No.20 of 2013 for permanent injunction on the file of District Munsif cum Judicial Magistrate No.I, Usilampatti is pending. A copy of the plaint has been produced. A reading of



the plaint discloses that the plaintiff, who is the grand-son of one Rasu Thevar claims under a Will said to have been executed on 15.08.2003 by his grandfather. It is not in dispute that Rasu Thevar died on 20.04.2007. Pursuant to the said Will, the Patta appears to have been transferred in the name of the third respondent and the petitioner has challenged the transfer. The petitioner is the son of the said Rasu Thevar. The question of title can be decided only after deciding the genuineness and validity of the Will dated 15.08.2003 said to have been executed by the deceased Rasu Thevar, who was admittedly the original owner. Hence, I do not see any justification to issue a writ of Mandamus directing the Revenue Officials viz., the respondents 1 and 2 to decide the question relating to the Patta at this stage. The petitioner is at liberty to renew his request, if he succeeds in the civil proceedings.

3. Accordingly, the writ petition fails and the same is dismissed. No costs.

sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Usilampatti, Madurai District.

2.The Tahsildar,
Usilampatti Taluk Office,
Usilampatti, Madurai District.

+1 cc to M/s.T.R.Jeyapalam, Advocate in SR.No. 12698

+1 cc to The Special Government Pleader in SR.No. 12874

akv

CSL/BS/15.03.2017 : 2P/5C

W.P(MD)No.2349 of 2013

06.03.2016