

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.5374 of 2014

and

M.P.No.1 of 2014

R.Chinnaraj

... Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Coimbatore-18.

2. The Thasildhar,
Annur,
Coimbatore District.

3. Assistant Director of Land Survey,
Collectorate Office,
Coimbatore - 18.

4. Selvi

5. Kowsalya ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the objection of the petitioner dated 23.11.2013 for granting patta in favour of 5th respondent in Sr.No.211/1, Janagi Ammal Nagar, Idikarai Village, Annur Taluk, Coimbatore, in accordance with law.

For Petitioner : Mr. A.Edwin Prabakar

For Respondents : Mrs. Ramya revathy,
Government Advocate.

O R D E R

This writ petition has been filed seeking a direction to the respondents 2 and 3 to consider the petitioner's objection regarding the measurement of the property in S.No.211/1, Idikarai Village, Annur Taluk, Coimbatore on the application filed by the fifth respondent.

2. According to the petitioner, the fourth respondent herein has mortgaged the said property in favour of some third parties. Subsequently, mortgage has been made over in favour of the petitioner and he is only a mortgagee. Thereafter, the fourth respondent sold the property in favour of the fifth respondent. Challenging the same, the petitioner has filed a suit in O.S.No.3134/2013 on the file of the District Munsiff Court, Coimbatore. When the suit was pending, the fifth respondent has taken steps to measure the property, for which, the petitioner has also filed an objection. Since it was not considered, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the suit filed by the petitioner was also dismissed for default. Hence, the petitioner cannot claim any right over the property and he has not made any objection for measuring the property of the fifth respondent, who is the purchaser of the property.

4. Considering the facts and circumstances, the relief sought for by the petitioner cannot be granted and the same deserves to be dismissed.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector,
Collectorate Office, Coimbatore-18.

2. The Thasildhar,
Annur, Coimbatore District.

3. The Assistant Director of Land Survey,
Collectorate Office, Coimbatore - 18.

+2cc to Mr.A.Edwin Prabakar , Advocate SR.No. 88757,58709

+1 CC TO GOVERNMENT PLEADER SR.NO. 89505

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A.SK(25/02/2019)