

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29676 of 2018
and W.M.P.No.34632 of 2018

A.Chinnasamy

.. Petitioner

Vs.

1. The District Revenue Officer,
Dharmapuri
 2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
 3. The Tahsildar,
Pappireddipatty Taluk,
Pappireddipatty,
Dharmapuri District.
 4. D.Raja
- ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent not to issue patta to the fourth respondent pending disposal of the appeal of the petitioner dated 17.10.2018 filed before the first respondent against the proceedings in Ni.Mu.4012/2017(A6) dated 11.10.2018 on the file of the second respondent.

For Petitioner : Mr.V.Elangovan
For Respondents 1 to 3: Mr.N.Inbanathan,
Government Advocate

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O R D E R

The relief sought for in this Writ petition is for issuance of a Writ of Mandamus, to direct the third respondent not to issue patta to the fourth respondent pending disposal of the appeal of the petitioner dated 17.10.2018 filed before the first respondent against the proceedings in Ni.Mu.4012/2017(A6) dated 11.10.2018 on the file of the second respondent.

2. It is the case of the petitioner that he is the owner of agricultural land in Survey No.137/11, Goundampatti Village, Pappireddipatti Tauk, Dharmapuri District. It is stated that the fourth respondent and other members have forcibly took the petitioner and one Balamurugan and got the sale deed executed on 12.09.2013 in favour of the fourth respondent and the same was registered as Document No.3523 of 2013. Hence, the petitioner has filed Civil Suits in O.S.No.235 of 2013, O.S.No.17 of 2014 and O.S.No.127 of 2016 on the file of the District Munsif Court, Pappireddipatti against the fourth respondent to cancel the sale deed and the same are pending. It is also stated that an F.I.R has also been registered against the fourth respondent and others. In the meanwhile, the fourth respondent filed an application before the Tahsildar for change of patta in his name. But the Tahsildar has rejected the said application of the fourth respondent, as the Civil Suits are pending. As against the same, the fourth respondent filed an appeal before the second respondent on 11.08.2018, which is also pending. The fourth respondent has also filed a Writ Petition in W.P.No.4579 of 2018 to direct the second respondent therein to pass orders on his appeal and this Court on 01.03.2018, while disposing of the said Writ Petition, directed the second respondent therein to pass orders within a period of twelve weeks. It is stated that the second respondent, without affording an opportunity to the petitioner, passed an order in favour of the fourth respondent on the ground that the Civil Suit filed by one Kriba in O.S.No.43 of 2014 on the file of Sub-Court, Harur, and O.S.No.17 of 2014 on the file of the District Munsif cum Judicial Magistrate, Pappireddipatti filed by the petitioner were dismissed and also directed the third respondent to sub-divide the land and issue separate patta in the name of the fourth respondent. Against the same, the petitioner has preferred an appeal on 17.10.2018 and the same is pending before the first respondent. As the petitioner apprehends that the patta may be issued to the fourth respondent pending disposal of the appeal, this Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. The rights of the parties can be decided in the suits which are pending in O.S.Nos.235 of 2013 and 127 of 2016 on the file of the District Munsif Court, Pappireddipatti, and also in the appeal, which is now pending before the first respondent. In such circumstances, this Court directs the first respondent to dispose of the said appeal, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing

to the petitioner and others, if any interested in the matter. In the meanwhile, no patta should be issued either in favour of the petitioner or the fourth respondent.

5. With the above direction, the Writ Petition is disposed of . No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

Srn

To

1. The District Revenue Officer,
Dharmapuri
2. The Revenue Divisional Officer,
Harur, Dharmapuri District.
3. The Tahsildar,
Pappireddipatty Taluk,
Pappireddipatty,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate sr.no.77083
+1cc to Government Advocate sr.no.77424

W.P. No.29676 of 2018
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nr 20/11/2018

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