



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASANWrit Petition (MD) No.3180 of 2018andW.M.P (MD) No.3337 of 2018

WEB COPY

Vellaiammal

... Petitioner

Vs.

1.The Sub Collector,
Pudukottai.

2.S.Natesan

3.R.Muthukumar

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.A4/7697/2017 dated 31/01/2018 and quash the same and consequently direct the 1st respondent to forbear from proceeding with the enquiry on the basis of the impugned notice and make any tinkering of the revenue records relating to the property in T.S.No.2967/2 at Pudukottai.

For Petitioner

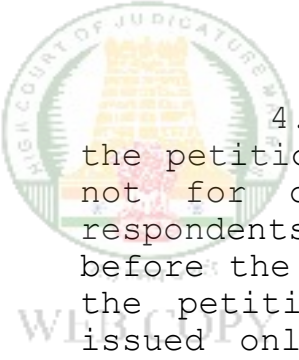
: Mr.V.Singan

For 1st Respondent: Mr.Aayiram K.Selvakumar,
Additional Government Pleader.ORDER

Challenging the notice issued by the first respondent dated 31.01.2018, the present writ petition has been filed.

2.According to the petitioner, she is the owner of the property and she acquired title over the property by means of a settlement deed dated 26.07.2017. Subsequently, when the respondents 2 and 3 interfering with her possession and enjoyment of the property, the petitioner has filed a suit in O.S.No.318 of 2017 on the file of the District Munsif Court, Pudukottai for permanent injunction restraining them from interfering with the possession which is still pending. In the meantime, the respondents 2 and 3 filed an appeal before the first respondent challenging the order granting patta issued in favour of the petitioner. Pursuant to the said appeal, the first respondent issued a notice calling upon the petitioner to appear for enquiry. Challenging the said notice, the petitioner has filed the present writ petition.

3.Learned counsel appearing for the petitioner submitted that the suit is pending before the Civil Court and unless the title of the property is decided by the Civil Court, the first respondent cannot entertain the appeal filed by the respondents 2 and 3.



4. From the perusal of the records, it could be seen that the petitioner has filed the suit only for permanent injunction and not for declaration of title over the property and now the respondents 2 and 3 claiming right over the property filed an appeal before the first respondent challenging the order granting patta to the petitioner. Pursuant to the same, the first respondent has issued only a notice to appear before him for enquiry. If the petitioner has got any objection, it is open to her to appear before the first respondent and raise her objections and the petitioner cannot challenge the notice issuing for enquiry in a statutory appeal filed by the respondents 2 and 3. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, W.M.P(MD)No.3337 of 2018 is closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Sub Collector,
Pudukottai.

+One cc to Mr.V.Singan, Advocate, SR.No.49260

sms

RL/3C/2P/KKR/SAR2/9/3/2018

Writ Petition (MD) No.3180 of 2018

and

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