



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.5434 of 2018

Chandrasekaran

... Petitioner

Vs.

1. The Commissioner,
Manapparai Municipality,
Manapparai, Trichy District.

2. The Special Tahsildar,
Town Land Survey Scheme,
Manapparai 621 306.

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus, to direct the respondents to issue the patta to petitioner with regard to property in Sevalur Village Survey Number 599/2 Now old Ward No.5 9 New Ward No.15 and Now Ward D Town Survey No.26 Block No.2 Manapparai Town Trichy District based on the petitioner's representation dated 06.02.2018.

For Petitioner : Mr.G.Gomathi Sankar

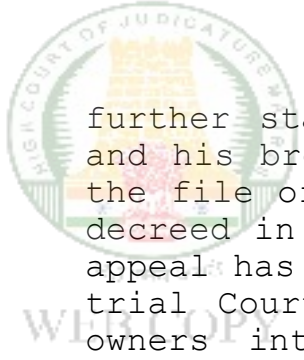
For 1st Respondent : Mr.J.Lawrance,
Standing Counsel

For 2nd Respondent : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to issue patta to the petitioner with regard to property in Sevalur Village, Survey Number 599/2, old Ward No.5, 9 New Ward No.15 and Now Ward D, Town Survey No.26, Block No.2, Manapparai Town, Trichy District by considering the representation of the petitioner, dated 06.02.2018.

2.According to the petitioner, he is the owner of the property in Survey Number 599/2, old Ward No.5, 9 New Ward No.15 and Now Ward D, Town Survey No.26, Block No.2, Sevalur Village, Manapparai Town, Trichy District, Survey No.26, Manapparai Town, Trichy District. Earlier, the petitioner's father was in possession and enjoyment of the said property and thereafter, the property was partitioned between the petitioner and his brother. Now, the property is in possession and enjoyment of the petitioner. It is



further stated that when the dispute arose between the petitioner and his brothers, petitioner filed a suit in O.S.No.177 of 1999 on the file of the District Munsif Court, Manaparai. The said suit was decreed in favour of the petitioner. As against the said decree, no appeal has been filed and therefore, the decree and judgment of the trial Court has become final. Thereafter, when the adjacent house owners interfering with the right of the petitioner to use a pathway, the petitioner filed a suit in O.S.No.329 of 1991 on the file of the District Munsif Court, Manaparai. The said suit was dismissed by the trial Court, as against the said dismissal, the petitioner filed appeal suit in A.S.No.181 of 1999 on the file of the Sub Court, Trichy and the said appeal was allowed. Aggrieved by the same, S.A.No.1757 of 2002 has been filed and the same is pending. According to the petitioner, the above suit is relating to the pathway dispute is nothing to do with the property of the petitioner. In the above circumstances, the petitioner filed an application dated 06.02.2018 before the second respondent for issuance of patta in his favour. Since no order has been passed, the present writ petition has been filed.

3.Considering the facts and circumstances of the case, this Court without going into the merits of the case, directs the second respondent to consider the application of the petitioner dated 06.02.2018 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and rival claimants, if any.

4.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

The Special Tahsildar,
Town Land Survey Scheme,
Manaparai 621 306.

+ 1 CC TO Mr.G.GOMATHI SHANKAR, ADVOCATE IN SR No. 55340
+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 55899
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55947

SMS

TE/KKR/SAR-1 : 04/04/2018 : 2P/5C