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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P(MD) No.10826 of 2018
and
W.M.P(MD)No.9947 of 2018

Balarohini

... Petitioner

vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The District Revenue Officer,
District Revenue Office,
Thoothukudi.

3.The Revenue Divisional Officer cum Sub-Collector,
Collector Office,
Thoothukudi.

4.Chellam

5.Chellammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the third respondent not to transfer the patta in the name of fourth and fifth respondents for Survey No.148/1 and Survey No.336 in Umarikottai Village, Thoothukudi Taluk, Thoothukudi District, till the disposal of the A.S.No.52 of 2017 on the file of the Subordinate Court, Thoothukudi.

For Petitioner : Mr.R.J.Karthick

For R1 to R3 : Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

The petitioner is before this Court with the grievance that at the instance of 4th and 5th respondents, the official respondents 1 - 3 are processing the transfer of patta in favour of the respondents 4 and 5. The petitioner has sent a legal notice to the Thasildar on 03.06.2017 and representations to the respondents 1 and 2 on 25.04.2018.



2.The learned counsel for the petitioner would submit that a Civil Suit is pending before the Sub Court, Thoothukudi in A.S.No.4 of 2017. During the pendency of the civil proceedings, the respondents 1 to 3 are in the process of issuing transfer of patta.

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3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. In view of the order going to be passed, notice to respondents 4 and 5 is dispensed with.

4.The Writ of Mandamus cannot be issued on apprehension that the respondents will pass orders without giving notice to the petitioner. However considering the submissions, a direction is issued to the respondents 1 to 3 to consider the representation made by the petitioner dated 25.04.2018 before passing orders. In the event of any enquiry, the petitioner shall also be given personal hearing by the respondents 1 to 3.

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

Sd/-
vacation Officer (RTI)

/TrueCopy/

Sub Assistant Registrar.

To

- 1.The District Collector,
Thoothukudi,
Thoothukudi District.
- 2.The District Revenue Officer,
District Revenue Office,
Thoothukudi.
- 3.The Revenue Divisional Officer cum Sub-Collector,
Collector Office,
Thoothukudi.

+1CC to Mr.R.J.Karthick, Advacate, SR.No.65209.

+1cc to Special Government Pleader, SR.No.65262.

W.P. (MD) No.10826 of 2018
and
W.M.P (MD) No.9947 of 2018
09.05.2018