

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8673 of 2019

and

W.M.P.No.9215 of 2019

R.Sakthivel

... Petitioner

Vs

1.The Collector,
Villupuram District.

2.The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3.The Tahsildar,
Chinnasalem Taluk,
Villupuram District.

4.Lakshmi

5.Santhi

6.Suseela

7.Vasantha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st, 2nd and 3rd respondents from taking any action for issuance of patta to the 4th, 5th, 6th and 7th respondents or any other person claiming right, claim or interest through them in respect of the immovable property comprised in Survey No.355/2B1 of Chinna Salem South Village, Chinna Salem Taluk, Villupuram District.

For Petitioner : Mr.S.M.Murali Dharan

For Respondents: Mr.S.N.Parthasarathy,
Government Advocate for R1 to R3

O R D E R

Mr.S.N.Parthasarathy, learned Government Advocate takes notice for the respondents 1 to 3. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks for a Mandamus, forbearing the respondents 1 to 3 from taking any action for issuance of patta to the respondents 4 to 7 or any other person in respect of the property comprised in Survey No.355/2B1 of Chinna Salem South Village, Chinna Salem Taluk, Villupuram District.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Since this writ petition is being disposed of without affecting the interest of the respondents 4 to 7, notice to those respondents is dispensed with.

4. The petitioner claims title to the subject matter property. On the other hand, the private respondents herein also claim the same right over the said property. One of the private respondents, namely, 6th respondent herein filed earlier writ petition in W.P.No.22259 of 2018 by showing the other two persons as well as the petitioner and the Tahsildar, Chinnasalem Taluk as party respondents and sought for Mandamus, directing the Tahsildar to dispose of her representation dated 19.03.2018 regarding the issuance of separate patta in respect of the subject matter property.

5. The said writ petition was disposed of on 30.08.2018 by directing the Tahsildar to consider the representation of the petitioner therein (6th respondent herein) and pass appropriate orders on merits and in accordance with all, after affording due opportunity of hearing to the petitioner therein as well as the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

6. Therefore, the petitioner herein, being the respondent therein, is certainly entitled to go and appear before the Tahsildar and make his objections, if any. It is seen that the Tahsildar has already commenced the enquiry. Under such circumstances, instead of placing all the materials before the Tahsildar, the petitioner herein has rushed to this Court and filed the present writ petition, which in effect, is seeking contra order to the order already passed by this Court in W.P.No.22259 of 2018.

7. Therefore, I am not inclined to entertain the present writ petition. Accordingly, the Writ Petition is dismissed.

However, it is open to the petitioner to appear before the Tahsildar and place all his objections with all the materials, so as to enable the Tahsildar to take appropriate decision and pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gsi/vsi

To

1.The Collector,
Villupuram District.

2.The Revenue Divisional Officer,
Kallakurichi,
Villupuram District.

3.The Tahsildar,
Chinnasalem Taluk,
Villupuram District.

+lcc to Mr.S.M.Muralidharan, Advocate, S.R.No. 27978

+lcc to the Government Pleader, S.R.No. 28592

W.P.No.8673 of 2019

PPA (CO)
GN (25/04/2019)

सत्यमेव जयते

WEB COPY