

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15626 of 2014
and
M.P.No.1 of 2014

K.Govindhan

...Petitioner

Vs

1.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

2.The Village Administrative Officer,
Kuppur Village & Post,
Dharmapuri District-636 704.

3.P.Murugammal
4.P.Shanmugam
5.P.Anbalagan
6.P.Ravi
7.R.Saroja
8.M.Poongodi
9.Krishnayammal
10.M.Mathi
11.Rani @ Pachiyammal
12.Lakshmi
13.A.Prabakaran

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 19.05.2014 for objection to grant of patta in favour of the 12th respondent.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.B.Anand, Government Advocate
for R1 and R2

Mr.V.R.Anna Gandhi for R3 to R12

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 19.05.2014, which has been made by the petitioner objecting to grant patta in favour of the 12th respondent herein, in respect of the land in S.No.245/7 of Oothankottai Village, Dharmapuri Taluk, Dharmapuri District.

2. According to the petitioner, the properties in S.No.245 of the above village, which is the subject matter in the present writ petition, belongs to the petitioner's father and the petitioner is entitled to 2/4th share of the same. In the year 1975, the respondents 3 to 11 sold the lands to the 12th respondent by fabricating the patta. The petitioner's representation to the first respondent not to grant patta to the 12th respondent based on the sale deed dated 09.05.2014, was not acted upon. Hence this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.158 of 2014 on the file of the Sub-Court, Dharmapuri for declaration and partition in respect of the aforesaid suit properties and the same is pending.

4. The learned Government Advocate appearing for the respondents 1 and 2 has also reiterated the submission of the learned counsel for the petitioner that the above said suit filed by the petitioner is pending before the Sub-Court, Dharmapuri and submitted that ultimately the decree passed by the Civil Court will be binding on the parties and hence the present writ petition cannot be entertained by this Court, as the petitioner has to work out his remedy before the Civil Court for getting appropriate judgment and decree in the aforesaid suit. He also submitted that patta has already been granted by the authorities in respect of S.No.245/11 to the legal heirs of Karikusalan, who is the father of the petitioner herein.

5. Considering the submissions made on either side, it is clear that the suit in O.S.No.158 of 2014 filed by the petitioner for declaration and partition is pending on the file of the Sub-Court, Dharmapuri. Hence the prayer of the petitioner to direct the first respondent to consider his representation objecting to grant patta in favour of the 12th respondent, cannot be entertained. The petitioner can work out his remedy in the suit in O.S.No.158 of 2014 for declaration and partition, pending on the file of the Sub-Court, Dharmapuri. The decision of the Civil Suit is binding on the parties.

6.With the above observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

2.The Village Administrative Officer,
Kuppur Village & Post,
Dharmapuri District-636 704.

+1cc to Mr.E.Sathiyaraj, Advocate, SR.No.31132
+1cc to Mr.V.R.Annagandhi, Advocate, SR.No.31437
+1cc to the Govt.Pleader, Vide Sr.No.31050

W.P.No.15626 of 2014
and M.P.No.1 of 2014

Kak(14/05/2019)

सत्यमेव जयते
WEB COPY