

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019
CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.27819 of 2019
and W.M.P.No.27369 of 2019

Pappathi

.. Petitioner

/Versus/

1.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri.

2.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

3.The Village Administrative Officer,
Thadangam Village,
Nallampalli Taluk,
Dharmapuri District.

4.Mumthaj Begum

5.Kandan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, forbearing the respondents 1 to 3 from changing the revenue records in favour of the 5th respondent in respect of the property comprised in Survey No.302/3 to an extent of 65 cents situate at Thadangam Village, Nallampalli Taluk, Dharmapuri District based on communication dated 31.07.2019 issued by the 1st respondent to the 2nd respondent.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.K.Ravi Kumar
Addl.Govt.Pleader
for R1 to R3

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission state itself.

2. The case of the writ petitioner is that based on the gift

deed executed by one Fathima Bee in favour of the 4th respondent, patta was issued in favour of the 4th respondent on 30.11.1999. The petitioner has purchased a portion of the property to an extent of 65 cents on 21.08.2000 from one Anwar Basha. The revenue records were mutated in favour of the petitioner and patta was also issued in favour of the petitioner on 23.08.2001. Later an ex-parte decree was passed in O.S.No.222 of 2000 in a suit filed by the 4th respondent and subsequently in the strength of the Civil Court decree, the possession of the petitioner sought to be disturbed.

3. In view of the dispute in the title, the petitioner has filed O.S.No.175 of 2006 before the District Munsif Court, Dharmapuri seeking declaration of title and permanent injunction. The said suit reached finality on dismissal of S.A.No.518 of 2017 on 09.08.2017. The petitioner has now preferred a Review Application before this Court and the same is pending.

4. Meanwhile pursuant to the direction passed by this Court in W.P.No.22538 of 2013 filed by one Vadivel, the Sub Collector has directed the Tahsildar of Nallampalli to enquire the complaint given by Vadivel through his counsel Prabakaran. The said communication dated 31.07.2019 is now the subject matter of the writ petition, wherein, the petitioner seeks indulgence of this Court to issue writ of mandamus forbearing the respondents 4 and 5 for changing revenue records in favour of the 5th respondent based on the communication dated 31.07.2019 issued by the Revenue Divisional Officer to the Tahsildar.

5. The perusal of the said communication only indicates that pursuant to the order of this Court enquiry is contemplated. The petitioner has also been informed about the enquiry. The petitioner has approached this Court even without participating the enquiry contemplated by the 1st respondent and to prevent the enquiry proceedings, which has been initiated pursuant to the High Court order. Hence, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

6. The petitioner is at liberty to approach this Court if the enquiry contemplated by the 1st respondent through the 2nd respondent ends adverse to him. At present, the writ petition is pre-matured. Hence, it cannot be entertained.
rpl

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri.

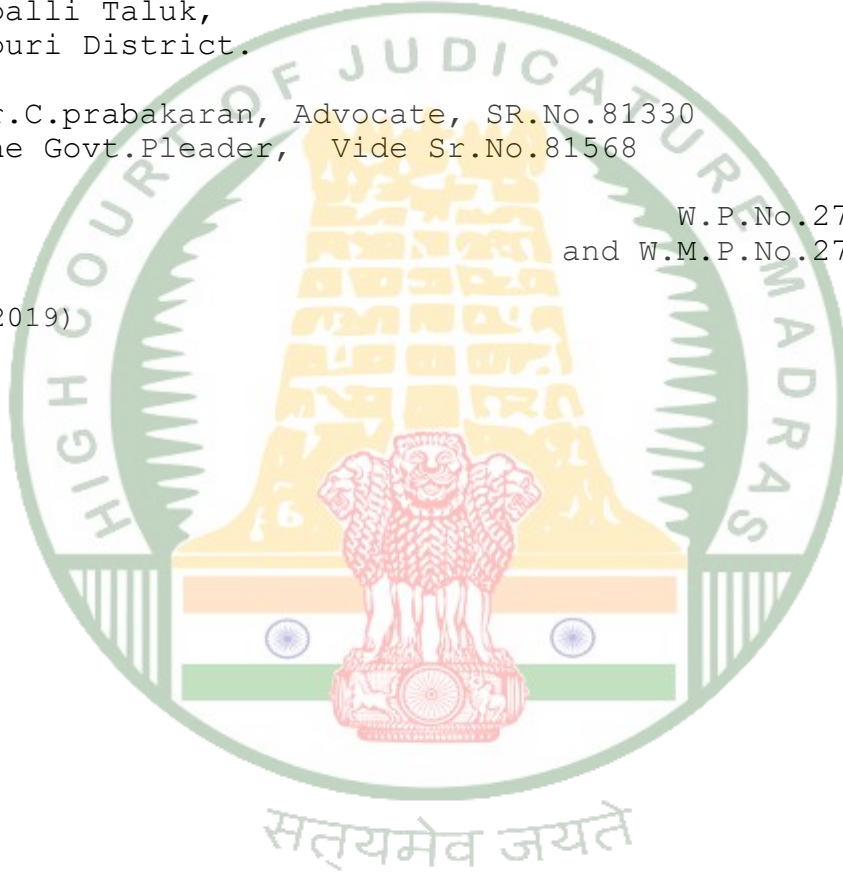
2.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

3.The Village Administrative Officer,
Thadangam Village,
Nallampalli Taluk,
Dharmapuri District.

+1cc to Mr.C.prabakaran, Advocate, SR.No.81330
+1cc to the Govt.Pleader, Vide Sr.No.81568

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Kak (30/10/2019)



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