

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.7313 of 2014

1. K. Murugaiyan
2. Gandhi
3. Ravi
4. Kothandaraman
5. Narayanamoorthi
6. Settu
7. Elumalai
8. Unnamalai
9. Venkatesan
10. Natarajan
11. Rajasekar
12. Pandurangan

...Petitioners

v.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar, Arni Taluk Officer, Arni,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 02.09.2013 submitted with a request to not transfer the patta in Survey Nos. 1) 132/2P = 0.43, 2) 132/5P = 0.10, 3) 75/4 = 0.90, 4) 133/1 = 0.30, 5) 133/2 = 0.04, 6) 133/3 = 0.36, 7) 133/4 = 0.03, 8) 133/5 = 0.35, 9) 133/6 = 0.40, 10) 133/7 = 0.63, 11) 133/8 = 0.04, 12) 133/9 = 0.48, 13) 140/8 = 0.52, 14) 88/4A = 0.47.5, 15) 88/4B = 0.57.5, 16) 88/4C = 0.20, 17) 88/4D = 0.30, 18) 88/4E = 0.72.5, 19) 88/4F = 0.32.5, 20) 88/4G = 0.55, 21) 88/4H = 0.35, 22) 120/3 = 0.1.22.5, 23) 120/TP = 0.16, 24) 147/3 = 0.46, 25) 149/1 = 0.42, 26) 149/2 = 0.54, 27) 149/6 = 0.49, 28) 149/7P = 0.37, 29) 149/8P = 0.73, 30) 149/9P = 0.34, 31) 149/10P = 0.39, 32) 134/5 = 0.35, 33) 131/13 = 0.68, 34) 87/4 = 0.35, 35) 87/5 = 0.35, 36) 69/3 =

01.36, 37) 69/4 = 0.71, 38) 69/5 = 0.57, 39) 69/6 = 0.67 40) 73/1 = 0.50, 41) 73/2A = 01.58, 42) 120/11 = 0.42 cents in Meyyur village, Arni Taluk, Thiruvannamalai District, without conducting proper enquiry.

For Petitioners : Mr. P. Murali
For Respondents : Mrs. K. Bhuvaneswari
Additional Govt. Pleader

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.09.2013 submitted with a request to not to transfer the patta standing in the name of the petitioners in respect of Survey Nos. 1) 132/2P = 0.43, 2) 132/5P = 0.10, 3) 75/4 = 0.90, 4) 133/1 = 0.30, 5) 133/2 = 0.04, 6) 133/3 = 0.36, 7) 133/4 = 0.03, 8) 133/5 = 0.35, 9) 133/6 = 0.40, 10) 133/7 = 0.63, 11) 133/8 = 0.04, 12) 133/9 = 0.48, 13) 140/8 = 0.52, 14) 88/4A = 0.47.5, 15) 88/4B = 0.57.5, 16) 88/4C = 0.20, 17) 88/4D = 0.30, 18) 88/4E = 0.72.5, 19) 88/4F = 0.32.5, 20) 88/4G = 01.55, 21) 88/4H = 0.35, 22) 120/3 = 0.1.22.5, 23) 120/TP = 01.16, 24) 147/3 + 0.46, 25) 149/1 = 0.42, 26) 149/2 + 0.54, 27) 149/6 = 0.49, 28) 149/7P = 0.37, 29) 149/8P = 0.73, 30) 149/9P = 0.34, 31) 149/10P = 0.39 32) 134/5 = 0.35, 33) 131/13 = 0.68, 34) 87/4 = 0.35, 35) 87/5 = 0.35, 36) 69/3 = 01.36, 37) 69/4 = 0.71, 38) 69/5 = 0.57, 39) 69/6 = 0.67 40) 73/1 = 0.50, 41) 73/2A = 01.58, 42) 120/11 = 0.42 cents in Meyyur village, Arni Taluk, Thiruvannamalai District, without conducting proper enquiry.

2. Admittedly, civil suits are pending between the petitioners and other third parties before the District Munsif Court, Arni, Tiruannamalai District, in respect of the lands in question. The petitioners have filed the Writ Petition only based on their apprehension that the respondents would transfer the patta in favour of the third parties without giving any notice to them. It is needless to say that in the event of transfer of patta, the petitioners are entitled to notice and therefore, the respondents cannot cancel or transfer the patta without giving notice to the petitioners. That apart when the civil suits are pending between the private parties, the petitioners can get appropriate relief before the Civil Court and they cannot maintain the parallel proceedings by way of the present Writ Petition.

3. Mrs. K. Bhuvaneswari, learned Additional Government Pleader, appearing for the respondents 1 and 2 submitted that in the event of the respondents cancelling or transferring the patta in favour of any third party, they would issue notice to the petitioners.

4. Having regard to the submissions made by the learned Additional Government Pleader appearing for the respondents, I do not find any reason to pass any further orders. Recording the submissions made by the learned Additional Government Pleader, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar, Arni Taluk Office,
Arni,
Thiruvannamalai District.

+lcc to the Government Pleader, S.R.No.26731

W.P.No.7313 of 2014

MR (CO)
KKV/25/08/2020

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