



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD)No.17702 of 2020

M.Mohamed Barook

.. Petitioner

Vs.

The Tahsildar,
Madurai North Taluk,
Collectorate Complex,
Madurai District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 23.07.2018 and to issue Patta based on the petitioner's application.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.P.Kannithevan

Additional Government Pleader

ORDER

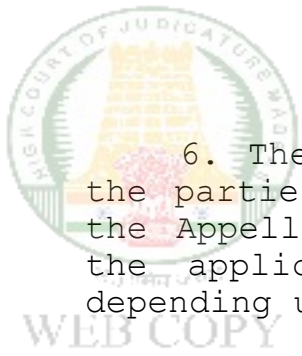
This writ petition has been filed for issuance of a direction to the respondent to consider the petitioner's representation dated 23.07.2018 and to issue Patta based on the petitioner's application.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. Mr.P.Kannithevan, learned Additional Government Pleader takes notice for the respondent.

4. When the matter is taken up for hearing, it is represented by the learned Additional Government Pleader that already a Civil Suit is pending in O.S.No.2200031/2016 before the District Munsif, Madurai Taluk, filed by one N.Ameir Ansas against this writ petitioner. It is further represented that in this writ petition, the said N.Ameir Ansas is not made as a party.

5. Since a Civil Suit is pending, the petitioner is not entitled to get the relief sought for in the writ petition and the remedy lies to the petitioner only before the Civil Court and this Court cannot look into the issue raised in this writ petition. The conduct of the petitioner in non-inclusion of the necessary persons in the writ petition as a party respondent, is highly deprecated.



6. Therefore, it is open to the respondent that after hearing the parties, who are interested or who are likely to be affected, the Appellate Authority shall consider the request and dispose of the application of the petitioner dated 23.07.2018 and it is depending upon the outcome of the Civil Court proceedings.

7. Therefore, this writ petition stands disposed of by granting liberty to the petitioner to agitate his grievance before the appropriate forum. No Costs. It is needless to state that the Civil Court can proceed with the issue without adjourning the same beyond 15 working days.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tahsildar,
Madurai North Taluk,
Collectorate Complex,
Madurai District.

2.The District Munsif, Madurai Taluk .

Copy to

The Court Manager,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to SPL GP (SR-24889[F] dated 10/12/2020)

W.P (MD) No.17702 of 2020

08.12.2020