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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.11.2020
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.(MD)No.13119 of 2018 and
W.M.P.(MD)No.11985 of 2018

F.Dennis ... Petitioner

Vs.

1. The District Collector,
   Chathiram Administration,
   Thanjavur.

2. The Special Tahsildar,
   Chathiram Administration,
   Thanjavur.

3. Sundaram
   (R-3 is impleaded vide order dated 24.11.2020
   in W.M.P.(MD)No.5329 of 2019) ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to issue rental receipts on the basis of the petitioner's representation dated 04.02.2018 and 09.01.2017 respectively in respect of the property comprised in Old.S.No.18/3 New S.No.18/7 situated at Chathiram Village, Mimisal Village, Avudayar Kovil Taluk, Pudukkottai District.

For Petitioner : Mr.Sathish Kumar,
for Mr.G.Thalaimutharasu.
For R-1 & R-2 : Mr.M.Murugan,
Government Advocate.
For R-3 : Mr.K.Baalasundharam

* * *

O R D E R

This writ petition has been filed seeking a direction to the respondents herein to issue rental receipts on the basis of the petitioner's representation dated 04.02.2018 and 09.01.2017 respectively in respect of the property comprised in Old.S.No.18/3 New S.No.18/7 situated at Chathiram Village, Mimisal Village, Avudayar Kovil Taluk, Pudukkottai District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2 and Shri.K.Baalasundaram, learned counsel who takes notice for the impleaded third respondent.

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3. The case of the petitioner is that one Panchanatham Pillai has executed a deed of possessory rights in respect of the property comprised in Survey No.18/3 New S.No.18/7 at Mimisal Chathiram, in favour of the petitioner. He has been in continuous possession and enjoyment of the same. The respondents have been collecting necessary rents from the petitioner for his possession and enjoyment since 2014 by not issuing necessary receipts. The petitioner has submitted representation to the second respondent for issuing rental receipts. However, there is no action taken so far. Therefore, the petitioner has come forward with the aforesaid prayer.

4. According to the third respondent, civil suit in O.S.No.99 of 2018 is pending before the Sub Court, Aranthangi, in respect of the aforesaid property.

5. According to the learned Government Advocate appearing for the official respondents, neither the petitioner nor the impleaded respondent are entitled to property and that the property belongs to the Government.

6. As rightly pointed out by the third respondent, civil suit is pending in respect of the aforesaid property. Therefore, this Court is not inclined to grant relief to the petitioner. Chathiram administration will have to be made as a party in the said suit. The civil Court will take appropriate decision in the matter.

7. This writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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 District Collector,
   Chathiram Administration,
   Thanjavur.

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2. The Special Tahsildar,
Chathiram Administration, Thanjavur.

+1 CC to Mr.G.THALAIMUTHUTHARASU, Advocate (SR-22766[F] dated 26/11/2020)

+1 CC to SPL GP (SR-23006[F] dated 26/11/2020)

W.P.(MD)No.13119 of 2018
24.11.2020

VB (23.12.2020) 3P 5C

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