



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

WEB COPY

W.P. (MD)No.26927 of 2019
and
W.M.P (MD) .No.23277 of 2019

Petchimuthu

... Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Head Surveyor,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

4.C.Sreenivasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeal in distribution No.28095 dated 06.09.2019 within the stipulated time.

For Petitioner : Mr.M.Ramu

For R1 to 3 : Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition is filed to direct the first respondent to dispose of the petitioner's appeal in distribution No.28095, dated 06.09.2019 within the stipulated time.

2.Heard Mr.M.Ramu, learned counsel appearing for the petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents 1 to 3.



3. According to the petitioner, the property in Survey Nos.457/1B1, 457/3A, 409/1, 409/2 and 409/3 measuring an extent of 15.50 ares situated at Elanthiraikondan Village, Rajapalayam Taluk, Virudhunagar District, originally belongs to the petitioner's ancestors property. The petitioner and his family members are peacefully enjoying the said property. While being so, the father of the fourth respondent got patta in his name for the entire property without issuing notice to the others. Therefore, the petitioner has filed an appeal before the first respondent on 04.09.2019. In the mean time, the petitioner received notice from the third respondent for enquiry with regard to survey the land in S.Nos.409/1, 409/2 and 409/3. The petitioner has given objection to survey the lands, since the appeal is pending before the first respondent. Without considering the same, the second respondent is taking effective steps to survey the said lands. Therefore, the petitioner sent another representation dated 05.12.2019 to the first respondent as well as the District Collector. Since no action has been taken, the present writ petition is filed.

4. Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the fourth respondent has filed a suit in O.S.No.27 of 2020 before the Munsif Court, Srivilliputhur, Rajapalayam and the same is pending. Therefore, the relief sought for by the petitioner in this writ petition cannot be considered.

5. In view of the submission made by the learned Additional Government Pleader appearing for the respondents 1 to 3, this Writ Petition is dismissed. After the disposal of the said suit, pending before the Munsif Court, Srivilliputhur, the petitioner is at liberty to approach the appropriate authority to redress his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Head Surveyor,
Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

+1 CC to M/s.Special Govt.Pleader (SR-14391[F] dated 19/08/2020)

+1 CC to M/s.I. SABEER MOHAMED, Advocate (SR-14476[F] dated
20/08/2020)

W.P. (MD) No.26927 of 2019
18.08.2020

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SDS (08.09.2020) 3P-6C