

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10423 of 2021

M/s.Hotel Amutha Surabhi

Rep by its Partner Manoj Kumar Solapalayam

Udumalai Road Pollachi Taluk Coimbatore

District 642 002.

...Petitioner

-Vs-

1 The Tahsildhar
Office of the Tahsildar,
Pollachi 642 001.

2 M/s.Kwality Spinning Mills
Private Limited Rep by its Managing
Director M.Sathappan Ravi,
Solapalayam,
Udumalai Road,
Pollachi Taluk,
Coimbatore District 642 003.

....Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 12.03.2021 seeking not to grant Separate Patta or make any sub division in S.F. No. 25/1B1, Solapalayam Village, Pollachi Taluk, Coimbatore District in the name of the 2nd respondent since the issue involved is civil in nature and pass appropriate orders within the stipulated time as that may be fixed by this Hon'ble Court.

For Petitioner: Mr.N.Umapathi

For Respondent: Mrs.R.Janaki
Additional Government Pleader

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent to consider petitioner's representation dated 12.03.2021 and not to grant separate patta or make any subdivision in the name of 2nd respondent.

2. The grievance of the petitioner is that the petitioner has purchased the property from the 2nd respondent and he was in possession and enjoyment of the same. Thereafter, the 2nd respondent has filed a suit in O.S.No.120 of 2021 on the file of District Judge, Coimbatore to cancel the cart track agreement dated 04.11.2019 and the suit is pending. Subsequently, the 2nd respondent said to have filed an application before the 1st respondent for issuance of patta in their favour and the petitioner has also raised its objections and the enquiry is pending. At this stage, the present Writ Petition has been filed seeking the above said prayer.

3. Today, when the matter taken up for hearing, the learned Additional Government Pleader appearing for 1st respondent, on instructions, would submit that already the enquiry was commenced, the petitioner has also appeared before the 1st respondent and raised its objections, now the enquiry completed, and the 1st respondent Tahsildar is likely to pass orders. Hence, at this stage, the present Writ Petition seeking the above said prayer is not maintainable and the same may be dismissed.

4. Considering the fact that the petitioner has appeared for enquiry and also raised his objections, and it is also stated that now the enquiry is also completed. In the above circumstances, the prayer sought in this Writ Petition cannot be granted. Accordingly, this Writ Petition stands dismissed. However, the 1st respondent is directed to consider the objections made by the petitioner and to pass orders on merits in accordance with law within a period of six weeks from the date of receipt of the copy of this order. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpp
To

The Tahsildhar
Office of the Tahsildar,
Pollachi 642 001

+1 CC to The Government Pleader sr 25972.

W.P.No.10423 of 2021

RLD(CO)
SP(01/06/2021)