



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.15508 of 2021

Mr. S. Manikandan

... Petitioner

-Vs-

1.The Tahsildar,
Purasawalkam Taulk,
Office of the Tahsildar,
Chennai-600 003.

2.Mrs.C. Rajeswari,

3.Mr.Theagarajan,

4.Mr. Dhanasekaran,

5.Mr. Mohanraj

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 22.06.2021 by recording his objections while issuing patta to the respondents 2nd to 5th Respondents for an extended area ie. more than 375 Sq.ft. without conducting any field enquiry in the property situated at No.19, Venkadathri Street, Kosapet, Purasawalkam Village, comprised in R.S.No.2673, Chennai District.

For Petitioner :: Mr. R. Sreedhar

For Respondent-1 :: Mr. Yogesh Kannadasan
(Government Advocate)

For Respondent-3 :: Mr. Sunil Prakash

For Respondents 2, 4 & 5 :: No Appearance

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the 1st respondent to consider the petitioner's



representation dated 22.06.2021 by recording his objections while issuing patta to the respondents 1 to 5 for an extended area ie. more than 375 Sq.ft. without conducting any field enquiry in the property situated at No.19, Venkadathri Street, Kosapet, Purasawalkam Village, comprised in R.S.No.2673, Chennai District and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

3. Having considered the facts and circumstance of the case and submissions made by the learned counsel on either side, it is seen that if there is a dispute in the common passage in the aforesaid property in question, the petitioner along with others as plaintiffs have filed a suit in O.S. No.2209 of 2020 seeking for permanent injunction. Pursuant to the order dated 22.02.2021 in CRP.PD.No.291 of 2021 and CMP Nos.2631 & 2633 of 2021 passed by this Court, the City Civil Court has appointed an Advocate Commissioner by its order dated 25.03.2020 to measure the property in question with the help of the surveyor. The subject property was measured in the presence of the parties concerned and their signatures obtained for having carried out the said task.

4. Under such circumstances, the petitioner cannot seek this Court to issue Writ of Mandamus directing the 1st respondent to consider his representation dated 22.06.2021 since the issue is pending before the Trial Court. Based on the outcome of the Judgment and Decree in the suit in O.S. No.2209 of 2020, the Tahsildar can pass orders on the representation dated 22.06.2021 made by the petitioner herein. Hence, the Trial Court is hereby directed to pass orders in O.S. No.2209 of 2020 as expeditiously as possible as directed by this Court in CRP. PD.No.291 of 2021 to end the dispute in common passage, after filing the report of the Advocate Commissioner and parties concerned are directed to co-operate with the Trial proceedings without taking unnecessary adjournments enabling for speedy disposal of the suit.

5. In the result, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar



Lbm

To:

The Tahsildar,
Purasawalkam Taulk,
Office of the Tahsildar,
Chennai-600 003.

Copy To:

The VI Additional Judge,
City Civil Court, Chennai.

+1cc to Mr.K.P.Shanthosh, Advocate, S.R.No.50596
+2cc to Mr.R.Sreedhar, Advocate, S.R.No.50960
+1cc to the Government Pleader, S.R.No.51253

W.P. No.15508 of 2021

VBM(CO)
SB(17/12/2021)