



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13962 of 2021

T.S.Rajendran

... Petitioner

Vs.

1.The Sub-Collector cum The Revenue Divisional Officer,
Kodaikkanal,
Dindigul District.

2.The Tahsildar,
Kodaikkanal,
Dindigul District.

3.G.Jayaraman

4.S.Dhanalakshmi

5.Mohamad Asik

6.Mohamad Askar

7.Sheik Kadhar

8.Nishaar Ahamad

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to conclude the proceedings in Na.Ka.No.10648/அ1, dated 09.12.2013.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

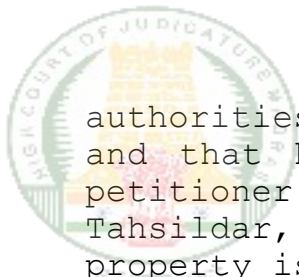
For Respondents : Mr.R.Baskaran for R1 and R2

Standing Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to conclude of the proceedings in Na.Ka.No.10648/Aa1 dated 09.12.2013.

2.The petitioner states that his father was in occupation of punja poramboke land in Old Survey No.190, Kodaikkanal Town. He also submits that 'B' memo was issued as regards such land and that necessary 'B' memo charges were paid by his father. Thereafter, his father applied for and obtained a patta on 03.01.1964. Upon his expiry, it is stated that his brother, sister and himself are the only legal heirs. According to the petitioner, the Government



authorities erroneously removed his father's name from the records and that he submitted a representation in such connection. The petitioner relies upon a communication dated 09.12.2013 of the Tahsildar, Kodaikanal, wherein it is recorded that the relevant property is being enjoyed by the petitioner and his siblings.

WEB COPY 3. The petitioner further states that he has filed a civil suit against the private respondents herein in O.S.No.160 of 2014 and that the said suit is pending before the Sub Court, Palani as on date.

4. Mr. R. Baskaran, learned standing counsel for the State accepts notice on behalf of the respondents 1 and 2. He submits that the relief prayed for by the petitioner cannot be granted in view of the pending civil suit.

5. Upon perusal of the plaint in O.S.No.160 of 2014, it is evident that respondents 3 to 8 herein are defendants 1 to 6 in the said suit. The Tahsildar and the Revenue Divisional Officer as also the District Collector have been arrayed as defendants therein. In the said suit, the petitioner has prayed for a permanent injunction to restrain the private respondents herein from interfering with the petitioner's possession or from encroaching upon the petitioner's property. In addition, the petitioner herein has prayed for the cancellation of the patta issued to the private respondents herein. The issuance of a patta to the petitioner has also been prayed for. In these circumstances, the petitioner would have to await the outcome of the said civil suit before approaching the appropriate revenue authorities either for cancellation of patta or for issuance of patta in the petitioner's name.

6. For the reasons aforesaid, W.P.(MD)No.13962 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to approach the relevant revenue authorities for any consequential relief if he succeeds in O.S.No.160 of 2014.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Sub-Collector cum The Revenue Divisional Officer,
Kodaikkanal,
Dindigul District.

2.The Tahsildar,
Kodaikkanal,
Dindigul District.

+1 CC to M/s.GP (SR-26059[F] dated 12/08/2021)

W.P (MD) No.13962 of 2021
11.08.2021

RD(19.08.2021) 3P 4C