

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1161 of 2011
and WMP.No.5790 of 2016

M.Thangaraj

... Petitioner

Vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
2. District Revenue Officer,
Tirupur District, Tirupur.
3. The Revenue Divisional Officer,
Coimbatore North Division,
Collectorate Office,
Coimbatore 18.
4. The Tahsildar,
Tirupur Taluk,
Tirupur District.
5. A.Viswanathan
6. N.Duraisamy Gounder
7. Dheenadalayan
8. Tmt.J.Selvi

9.S.Ramasamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent herein to comply with the order passed by the 1st respondent herein dated 31.07.2007 made in D.Dis.K4/42698/2005, as expeditiously as possible.

For petitioner : Mr.P.M.Duraiswamy

For RR1 to R4 : Mr.T.Chezhiyan

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 4th respondent herein to comply with the order passed by the 1st respondent herein dated 31.07.2007 made in D.Dis.K4/42698/2005, as expeditiously as possible.

2. The case of the petitioner is that the ancestors of the petitioner had been living in Natham house property situated in S.F.No.671/8 and 671/9 with an extent of 1/4th of the total area of 17 cents in Thonguttipalayam Village, Tirupur Taluk and thereafter, as a legal heirs, the petitioner, his brother M.Padmanaban, cousins A.Sadhasivam and A.Balasubramanian and his paternal uncle A.Duraisamy Pillai have been in joint possession of the half portion of the natham house properties in S.F.No.671/8 and 671/9 and remaining half portion of natham house property in S.F.No.671/8 and 9 was purchased by one Narayasamy gounder and as a legal heirs A.Viswanathan and N.Duraisamy Gounder had been in possession and enjoyment of the said half portion and they had applied for patta before the Assistant Settlement Officer, who vide his proceedings sub divided S.F.No.671/9 as 671/9 and 671/41 and thereafter clubbed S.F.No.671/41 with the existing S.F.No.671/8 and issued patta in the name of A.Viswanathan and N.Duraisamy. Challenging the said order, subsequently there was a series of litigations were arose between the parties and finally the issue was raised before the 1st respondent vide Revision Petition, wherein the 1st respondent directed the 4th respondent to demarcate the disputed natham lands in S.F.Nos.671/8 and 9 of Thonguttipalayam Village in Tiruppur Taluk between the parties. It is the grievance of the petitioner that the said order of the 1st respondent has not been complied with and the 4th respondent herein has not shown any interest in implementing the order dated 31.07.2007 passed by the 1st respondent. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that with regard to the very same subject property, the petitioner has filed a Suit in O.S.No.34/2016, on the file of the Additional Sub Court, Thiruppur, and the same was dismissed for default and now the petitioner has filed a Restoration Petition, which is in numbering stage and hence this Court may close the Writ Petition and grant opportunity to the petitioner to workout the remedy after disposal of the Suit filed by the petitioner.

4. The learned Additional Government Pleader has not raised any serious objections for the said order being passed.

5. Since the dispute is pending before the competent Civil Forum and in view of the submission made by the learned counsel for the petitioner, this Court grants liberty to the petitioner to work out an appropriate remedy, after disposal of the Suit filed by the petitioner before the Civil Court.

6. In view of the above, this Writ Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
2. The District Revenue Officer,
Tirupur District, Tirupur.
3. The Revenue Divisional Officer,
Coimbatore North Division,
Collectorate Office,
Coimbatore 18.
4. The Tahsildar,
Tirupur Taluk,
Tirupur District.

+1cc to Mr.P.M.Duraiswamy, Advocate, S.R.No.10985
+1cc to the Government Pleader, S.R.No.11582

W.P.No.1161 of 2011

AK(CO)
CT 18/03/2022