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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6578 OF 2022

Selvi

... Petitioner

Vs.

1. The District Collector
District Collector Office,
Villupuram.
2. The Sub Collector
Tindivanam Sub Collector Office,
Jakkampettai Village,
Tindivanam Taluk.
3. Thasildar
Tindivanam Taluk Office,
Tindivanam,
Tamil Nadu 604 001.
4. S.Aravind

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the Appeal / representation dated 07.01.2022 filed by the petitioner, within a time frame.

For Petitioner : Ms.C.Jaya Chithra

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider and pass orders on the Appeal / representation dated 07.01.2022 filed by the petitioner, within a time frame.



2.The case of the petitioner is that the petitioner is the owner of the disputed property and she acquired the same by way of settlement deed executed by her husband and she also obtained patta for the same. Whiles, patta in her name was cancelled at the instigation of the fourth respondent. Since the title of the property is disputed, the petitioner filed O.S.No.113 of 2020 before the District Munsif Court, Tindivanam for declaration and the same is pending. The petitioner also made Appeal / representation dated 07.01.2022 to the first respondent seeking to restore the patta in her name and since the same has not yet been considered has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the first respondent to consider the petitioner's Appeal / representation dated 07.01.2022 and to pass appropriate orders within a reasonable time frame.

4.The learned Government Advocate submitted that when suit is pending before the competent Civil Court in respect of the very same property, neither the Original Authority nor the Appellate Authority have power to decide the title. If the petitioner succeeds in the pending suit, liberty may be granted to the petitioner to file application before the competent Authority for patta.

5.Admittedly, petitioner obtained patta for the disputed property, however, patta in her name was cancelled at the instigation of the fourth respondent. Since the title of the property is disputed, the petitioner filed O.S.No.113 of 2020 before the District Munsif Court, Tindivanam for declaration and the same is pending. After filing suit, she has made Appeal / representation before the first respondent for interfering with the order passed by the Original Authority. However, the fact remains when suit is pending, filing appeal before the Appellate Authority is not sustainable and the Appellate Authority has no power to decide the title.

6.In view of the above, this Court directs the District Munsif Court, Tindivanam to complete the trial in O.S.No.113 of 2020 and dispose of the same, without being influenced by any of the observations made in the order of the second respondent dated 19.08.2020, as expeditiously as possible. If the petitioner succeeds in O.S.No.113 of 2020, the petitioner is at liberty to file appropriate claim petition before the revenue Officials.



7. The writ petition is disposed of with the above observations. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif Court,
Tindivanam.
2. The District Collector
District Collector Office,
Villupuram.
3. The Sub Collector
Tindivanam Sub Collector Office,
Jakkampettai Village,
Tindivanam Taluk.
4. Thasildar
Tindivanam Taluk Office,
Tindivanam, Tamil Nadu 604 001.

+1cc to Ms.C.Jaya Chithra, Advocate, S.R.No.20070
+1cc to the Special Government Pleader, S.R.No.20602

W.P.No.6578 of 2022

SKM(CO)
PM/11/04/2022