



W.P.No.33005 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33005 of 2017

J.Raja Kumar

...Petitioner

Vs.

1. The Tahsildar
Thondiarpet Taluk,
Chennai-600 081.

2. P.V.Arumugam

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider our representation dated 15.06.2017.

For Petitioner : Mr.M.Ganeshan

For Respondents : Mr.U.Baranidharan, AGP, for R1
: Mr.T.P.Sekar, for R2

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 1st respondent to consider his representation



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dated 15.06.2017 and pass orders on the same as early as possible.

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2. The case of the petitioner is that the property comprised in R.S.No.1716 & 1716/10, situated at Thondiarpet Taluk, bearing Old No.8, 8/B/L, 8/A/L, present Door Old No.9, New No.10, Manikanda Mudali Street, 3rd Lane, Old Washermanpet, Chennai is a petitioner's ancestral property, originally owned by one Iyyavoo Nadar and after his demise, the petitioner and other legal heirs of the said Iyyavoo Nadar are in joint possession and enjoyment of the said property. While so, the 2nd respondent, who is in no way connected with the subject property, made multiple attempts to get patta in his name in respect of the subject property. Immediately, the petitioner along with other legal heirs made a representation dated 15.06.2017 before the 1st respondent, requesting not to issue patta in favour of the 2nd respondent in respect of the subject property. However, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Heard learned counsel on either side and perused the materials available on record.



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4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, they fairly conceded that, in respect of the very same issue, the 2nd respondent filed a suit in O.S.No.3858 of 2013 on the file of the XII Assistant City Civil Court, Chennai against the petitioner's mother and other legal heirs and the same is pending.

5. Considering the facts and circumstances of the case and considering the fact that the suit instituted by the 2nd respondent in O.S.No.3858 of 2013 in respect of the very same issue is pending before the Court below, this Court, without expressing any opinion on the merits of the case, directs the petitioner and the 2nd respondent to canvass all their grievances before the Trial Court, where the said suit is pending and liberty is granted to the succeeding party to file a fresh application before the revenue officials for mutation of revenue records in respect of the subject property in their favour.

6. With the above observations and directions, this Writ petition is accordingly disposed of. No costs.

04.11.2022



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Speaking Order : Yes/ No
Index : Yes/ No

M.DHANDAPANI, J.

skt

To

The Tahsildar
Thondiarpet Taluk,
Chennai-600 081.

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