



WEB COPY



W.P.No.15772 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15772 of 2017

Mecheri

... Petitioner

Vs.

1.The Tashildhar,
Karimangalam Taluk,
Dharmapuri District.

2.Geetha
3.Rathinvel

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider petitioner's representation dated 08.06.2017 for non – issuance of patta to the 2nd and 3rd respondents.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.Anandan

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 petitioner's



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representation dated 08.06.2017 for non – issuance of patta to the respondents 2 and 3.

2.The case of the petitioner is that the petitioner purchased the disputed property from the father of respondents 2 and 3, however, the respondents 2 and 3 filed a suit in O.S.No.212 of 2010 before Sub Court, Dharmapuri, for partition and obtained exparte order. Hence, on the apprehension that respondents 2 and 3 would get patta based on the exparte order, the petitioner made representation to the first respondent for non – issuance of patta to the respondents 2 and 3 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 representation dated 08.06.2017 and to pass appropriate orders within a reasonable time frame.

4.Considering the facts and circumstances of the case that already respondents 2 and 3 filed a suit in O.S.No.212 of 2010 before Sub Court, Dharmapuri, for partition and obtained exparte order, unless the said exparte order is set aside in the manner known to law,



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no affirmative direction can be issued to the first respondent to consider the petitioner's representation dated 08.06.2017 for non – issuance of patta in favour of respondents 2 and 3. Hence, the prayer sought for in this writ petition cannot be granted. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

5.The writ petition is disposed of with the above observations.

No costs.

24.06.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Tashildhar,
Karimangalam Taluk,
Dharmapuri District.



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M.DHANDAPANI,J.
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