

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13443 of 2022

and

W.M.P.(MD).No.9541 of 2022

Selvarani

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents not to issue any house site Patta to the Third Parties in connection with the petitioner's land comprised in S.F.No.376/B1, Patta No.170 situated at Pushpathur Village, Palani Taluk, Dindigul District on the basis of the petitioner's representation dated 10.02.2022 within a time frame to be stipulated by this Court.

For Petitioner : Mr.S.Karthik
For Respondents : Mr.G.Sivaraja,
Government Advocate.

ORDER

Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents.

2. The case of the petitioner is that the petition mentioned lands should not be assigned in favour of third parties. It appears that the property in question was gifted by the petitioner's father in law in favour of Boomi Dhanam Board. After the demise of her father-in-law, the petitioner and her children filed O.S.No.114 of 2009 on the file of District Munsif Court, Palani seeking relief of declaration and permanent injunction. The respondents were defendants in the said suit along with Boomi Dhanam Board. The suit was dismissed on 20.02.2022. Aggrieved against the same, the petitioner filed first appeal before the Sub Court, Palani. It is stated that there was delay in filing first appeal. To condone the same, I.A.No.15 of 2021 was filed. The learned counsel for the petitioner states that the delay has been condoned and first appeal has been numbered but now he is not having the details with him. Be

that as it may, since the petitioner has no subsisting decree in his favour, it is not possible for this Court to restrain the respondents. However, any allotment that may be made by the respondents will have to necessarily abide by out come of the first appeal filed by the petitioner against the judgment and decree dated 20.02.202 in O.S.No.114 of 2009.

3. With this clarification, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

01.09.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
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G.R.SWAMINATHAN, J.

Nsr

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