



W.P.(MD).No.4064 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 27.07.2022

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**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.4064 of 2015
and MP(MD).No.1 of 2015**

Mookkaiah

...Petitioner

Vs

1.The District Collector
Sivagangai District
Sivagangai

2.The District Revenue Officer
Sivagangai District
Sivagangai

3.The Revenue Divisional Officer
Devakottai
Sivagangai District

4.The Tahsildar
Thiruppathur Taluk
Sivagangai District

5.Velu

6.Alagappan

7.Arumugam

8.Muthathal

9.Ganesan

10.Singaram

....Respondents



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the fourth respondent to issue patta in favour of the 10th respondent regarding the land in 85/10 of Sundakadu Village, Vaiyakalathur Village Group, Thiruppathur Taluk, Sivagangai District and directing the 4th respondent to change the patta in 85/10 of Sundakadu Village, Vaiyakalathur Village Group, Thiruppathur Taluk, Sivagangai District in the petitioner's name.

For Petitioner : Mr.V.Kannan

For R1 to R4 :Mr.N.Muthuvijayan
Special Government Pleader

For R5 to R10 : Mr.R.Sundar Srinivasan

ORDER

The writ petition has been filed seeking a mandamus forbearing the fourth respondent from issuing patta in favour of the tenth respondent herein.

2.The learned counsel for the petitioner has submitted that originally the patta was standing in the name of the writ petitioner. However, without any notice or order, it was transferred in the name of the respondents 5 to 9. The said order was challenged by the petitioner before the third respondent herein. The third respondent has rejected the said appeal on the ground that in a previous appeal relating to the same disputed property, an order has been passed on 11.06.2012 wherein the authorities have relegated the parties to the competent Civil Court. This order is under challenge in the present writ



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petition.

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3.The learned counsel for the petitioner contended that he was not a party to the order which is referred to in the impugned order. That apart, that appeal was filed by one Sundaram without proper documents. However, when the petitioner has presented an appeal, the third respondent ought to have considered on merit.

4.Per contra, the learned counsel for the respondents had contended that the same petitioner has challenged the same impugned order in W.P. (MD).No.12865 of 2013 on 05.12.2018 and the same was withdrawn citing that the petitioner would ventilate his grievances in O.S.No.42 of 2015 pending before the District Munsif Court, Thirupathur. When the petitioner has accepted the order dated 12.07.2013, thereafter, he would not be entitled to challenge the Patta to be granted in favour of the tenth respondent who is the purchaser from the respondents 5 to 9.

5.I have considered the submissions made on either side and perused the materials available on record.

6.By an order dated 12.07.2013, the third respondent has rejected the request of the petitioner for grant of patta. The order was challenged by way of W.P(MD).No.12865 of 2013 which was later withdrawn with liberty to pursue the remedy before the Civil Court. The issue that arose in the said



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impugned order was relating to the patta granted in favour of the respondents 5 to 9. The present writ petition has been filed forbearing the fourth respondent from granting patta in favour of the tenth respondent who is none other than the purchaser from the respondents 5 to 9.

7. When admittedly the civil suit is pending and the petitioner has chosen to withdraw the writ petition as against the vendor of the tenth respondent herein, the present writ petition is not maintainable. The petitioner is at liberty to raise the said issue in the pending civil suit.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.07.2022

Internet : Yes/No

Index : Yes/No

msa



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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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