



W.P(MD)No.24772

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24772 of 2022

S.Balasubramanian

... Petitioner

Vs

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
District Revenue Office,
Sivagangai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

5.Saroja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent not to transfer the patta in patta no.1422 from the petitioner's name to 5th respondent's name till the disposal of revision petition pending before the 2nd respondent in B1/16159/22.



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For Petitioner : Mr.K.Sathish Kumar
For R1 to R4 : Mr.A.Kannan
Additional Government Pleader
For R5 : Mr.B.Ramanathan

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 4th respondent not to transfer the patta in patta no.1422 from the petitioner's name to 5th respondent's name till the disposal of revision petition pending before the 2nd respondent in B1/16159/22.

2.Heard Mr.K.Sathish Kumar, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.B.Ramanathan, learned counsel appearing for 5th respondent.

3.The learned counsel for the petitioner submits that the petitioner has purchased the land to an extent of 2 acres in survey no.126/6B situated at Ladanendhal Village, Thiruppuvanam Taluk, Sivagangai District from one Pala.Muthiah Chettiyar through registered sale deed in document no.10400/2011 dated 14.11.2011. Thereafter, he purchased the land to an extent of 1 acre 50 cents and 1 acre in survey no.126/6B situated at Ladanendhal Village, Thiruppuvanam Taluk, Sivagangai District from one Valliyappa Chettaiyar through registered sale deed in document no.486/2012 dated 23.01.2012 and he is in possession and



enjoyment of the said property. While being so, with a an intention to grab his property, the 5th respondent created encumbrance by creating forged document.

Hence, he filed a suit for permanent injunction and declaration in O.S.No.47 of 2020 before the District Munsif Cum Judicial Magistrate court, Thiruppuvaram against the 5th respondent. Pending suit, the 3rd respondent without considering the petitioner's documents and grounds erroneously and mechanically passed an order in Na.Ka.A3/5379/2018 dated 08.08.2022 by cancelling his patta in patta no.1422.

4.He would further submit that aggrieved over the same I filed a revision petition before the 2nd respondent in B1/16159/2022 and the same is also pending. The 3rd respondent passed an order that to give the patta infavour of the 5th respondent based on the document no.1310of 2012. Further, the 4th respondent also taking steps to transfer the patta in patta no.1422 from his name to the 5th respondent's name. If the patta changes infavour of the 5th respondent, it will affect the petitioner for conducting the suit. Therefore, he sent a representation dated 21.09.2022 to the 1st and 4th respondent to request them not to transfer the patta in favour of the 5th respondent. But, till date, the respondents has not disposed the revision petition and hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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5.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that appropriate direction may be given to the respondents 1 to 4 to consider the petitioner's revision petition pending before the 2nd respondent, in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the 2nd respondent to consider the petitioner's revision petition pending before him in B1/16159/2022 and pass orders on merits and in accordance with law, within a period of Twenty (20) weeks from the date of receipt of a copy of this order. Till such time, the 4th respondent shall not proceed further.

7.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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