



Writ Petition No.12373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12373 of 2023

and

W.M.P.No.12211 of 2023

Anjala

W/o.Suresh Kumar

... Petitioner

Vs.

1.The Municipal Administrative Commissioner,
Municipal Administrative Commissioner Office,
10th Floor, No.75, Santhom High Road,
Raja Annamalaipuram, Chennai - 28.

2.The Regional Director Municipal Commissioner,
First Street, J G Nagar,
Kumaranathpuram, Tiruppur,
Tiruppur District.

3.The District Collector,
District Collector Office,
Udhagamandalam,
Nilgiris District.

4.The District Revenue Officer,
District Revenue Office,
Udhagamandalam,
Nilgiris District.



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5.The Revenue Divisional Officer,
Revenue Divisional Office,
Udhagamandalam,
Nilgiris District.

6.The Tahsildar,
Office of Tahsildar,
Udhagamandalam,
Nilgiris District.

7.The Commissioner,
Udhagamandalam Municipality,
Udhagamandalam, Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records of the seventh respondent dated 16.03.2023 in Na.Ka.No.06009/2022/F2, quash the same and consequently, direct the seventh respondent to pass resolution in respect of Survey No.3636/1A, 3633 Resurvey No.F/12/25.F/12/34, F/1235 to and in favour of respondents 3 to 6.

For Petitioner : Mr.C.Venkatesan

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the seventh respondent dated 16.03.2023 wherein the seventh respondent



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has rejected the application made by the petitioner seeking for free house site patta and for a consequential direction to the seventh respondent to grant patta to the petitioner with reference to the subject property.

2. Heard Mr.C.Venkatesan, learned counsel for petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing for respondents.

3. The case of the petitioner is that the subject property in Survey No.3636/1A, 3633 Re-survey No.F/12/25.F/12/34, F/12-35 is in possession and enjoyment of the petitioner for more than ten years. The seventh respondent had repeatedly taken steps to evict the petitioner from the subject property. The petitioner, therefore, sought for issuance of free house site patta by the respondents 5 and 6. The sixth respondent, by proceedings dated 13.08.2018, rejected the claim made by the petitioner. Aggrieved by the same, the petitioner filed W.P.No.29582 of 2018 challenging the proceedings of the sixth respondent and for grant of free house site patta. The said writ petition was dismissed and the petitioner has filed an appeal, which is now pending in W.A.No.2982 of 2021.



4. The grievance of the petitioner is that as a subsequent development, the sixth respondent through proceedings dated 03.01.2023 has recommended for grant of patta in favour of the petitioner and six others who are similarly placed. While so, the request made by the petitioner before the seventh respondent for free house site patta based on the recommendation made by the sixth respondent was rejected through the impugned proceedings dated 16.03.2023. Aggrieved by the same, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the appeal filed by the petitioner is already pending in W.A.No.2982 of 2021 wherein a similar request made by the petitioner was originally denied by the revenue authorities and subsequently, the sixth respondent has recommended for grant of patta in favour of the petitioner. In view of such subsequent development, it will be fit and proper if the petitioner moves an application in the pending writ appeal in W.A.No.2982 of 2021 and seek for appropriate relief. The petitioner cannot file a fresh writ petition before this Court since the very right of the petitioner over the subject property is already a matter pending in the writ appeal. Hence, there is no fresh cause of action for the petitioner to file another writ petition and the



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petitioner has to necessarily work out his remedy only in the pending writ appeal based on the subsequent development that had taken place. Except giving this clarity, no further orders can be passed in this writ petition. It is left open to the petitioner to work out her remedy in the pending writ appeal.

This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

24.04.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

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- 3.The District Collector,
District Collector Office,
Udhagamandalam,
Nilgiris District.
- 4.The District Revenue Officer,
District Revenue Office,
Udhagamandalam,
Nilgiris District.
- 5.The Revenue Divisional Officer,
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