



W.P.No.27502 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.12.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.27502 of 2019 and
W.M.P.No.26981 of 2019**

K.Mahalingam

... Petitioner

Versus

1. The District Collector,
Villupuram District.
2. The District Revenue Officer,
Villupuram.
3. The Revenue Divisional Officer,
Villupuram.
4. S.Sumathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent pertaining to the proceedings in Na.Ka.No.A8/24434/2017 dated 27.07.2019 and quash the same and consequently direct the respondents 1 to 3 to issue patta to the petitioner in accordance with the order passed by the third respondent in the proceedings in Na.Ka.No.A2/6566/2013, dated 11.08.2014.



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For Petitioner : Mr.P.Valliappan

For Respondents : Mr.V.Veluchamy
Addl. Government Pleader for RR1 to 3

Mr.R.Bharath Kumar for R4

ORDER

This writ petition has been filed to quash the impugned order, wherein the petitioner was directed to approach the Civil Court, since there was dispute over the title of the property.

2 Learned counsel appearing for the writ petitioner would submit the petitioner's father purchased the property comprised in A.Pu.Sa.No.90/8, Ponparapattu Village, Sankarapuram Talum, Villupuram District of an extent of 0.04.5 by way of registered sale deed dated 20.09.1973. Thereafter, during family partition half share in the said land was allotted to the petitioner and the fourth respondent who is the petitioner's brother's wife obtained assignment patta behind the back of the petitioner. Therefore the petitioner approached the third respondent, who after enquiry, passed the order on 11.08.2014 issuing direction to cancel the assignment patta in favour of the fourth respondent. But till date no action was taken on the same, and finally the impugned order was passed, wherein the petitioner was directed to approach the Civil Court.



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3 Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that since there is dispute over the property, the respondent passed the order to approach the Civil Court.

4 Learned counsel appearing for the fourth respondent would submit that the suit filed by the fourth respondent in O.S.No.43 of 2014 on the file of the District Musif Court, Sankarapuram, has been decreed in favour of the fourth respondent.

5 Heard the learned counsel for the petitioner and the learned Additional Government Pleader for respondents 1 to 3 and learned counsel appearing for the fourth respondent.

6 It is submitted by the learned counsel appearing for the fourth respondent that the civil suit filed by the fourth respondent was decreed in favour of the fourth respondent. The writ petitioner has not produced any document to show that any appeal has been filed as against the decree. Under this circumstances, since the impugned order is not passed on merits and direction only issued to approach the Civil Court and the Civil Court also



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decreed the suit in favour of the fourth respondent, no relief can be granted in this writ petition. However, if the petitioner, aggrieved on the decree passed by the Civil Court, he is at liberty to workout his remedy in the manner known to laws.

7 Accordingly, the writ petitions stands dismissed as infructuous. Consequently connected miscellaneous petition is closed. No costs.

20.12.2023

Index: Yes/No
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P.VELMURUGAN, J.,

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