



W.P(MD)No.17865 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17865 of 2015

G.Rajagopal

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

4.Rajkumar
(R4 is suo motu impleaded vide order
dated 17.08.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the rent collected by the 3rd respondent to the petitioner for the period in between the years 1996 and 2013 of the property bearing Survey NO. 490/1 in Ward No. 21 of Kovilpatti town Municipality, Tuticorin District and consequently permit the petitioner to collect future rents.



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For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.Veerakathiravan
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

: Mr.P.Pandiarajan for R4

ORDER

Heard the learned counsel on either side.

2. The petition mentioned commercial complex was purchased by the petitioner from one Venkadasamy vide sale deed dated 29.08.1996. The fourth respondent herein is the son of the vendor. He filed partition suit in O.S.No.17 of 2005 on the file of the Sub Court, Kovilpatti. It is still pending. The property also came to be attached under the provisions of TNPID Act. Subsequently, GO attaching the property has already been quashed. The grievance of the petitioner is that the nodal officer who was appointed under the provisions of TNPID Act collected rents from the tenants occupied the shops but did not pass on the same to the petitioner. Till date, it is the nodal officer who is still collecting the rents.

3. The learned Additional Advocate General appearing for the official



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respondents would submit that even though the petitioner purchased the petitioner in the year 1996, the nodal officer came to be appointed only in the year 2002 and he has been collecting the rents from 2002. The learned counsel for the petitioner on instructions states that the petitioner will not alienate the property in question till the partition suit filed by the fourth respondent is concluded by the trial Court. This undertaking is placed on record. The Revenue Divisional Officer who was appointed as nodal officer under the provisions of TNPID Act cannot collect rents since the attachment itself has been set aside. The dispute is only between the petitioner and the fourth respondent. If the fourth respondent has obtained any direction from the jurisdictional civil Court, it would be a different matter altogether. Till date, the fourth respondent has not obtained any such direction. Therefore, the Revenue Divisional Officer, Kovilpatti is restrained from making further collection of rents from the occupants/ tenants of the shop in question. Whatever amount that was collected by the Revenue Divisional Officer, Kovilpatti shall be handed over to the petitioner forthwith and without any delay. Since the petitioner has already given an undertaking not to alienate the property till the partition suit is over, the fourth respondent's right is also protected. This arrangement will be subject to any order that may be passed by the jurisdictional civil court at the instance of the fourth respondent.



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G.R.SWAMINATHAN, J.

rmi

4. The Writ Petition is allowed accordingly. No costs.

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Index : Yes / No

Internet : Yes/ No

rmi

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Thoothukudi.

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