



W.P(MD)No.13449 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13449 of 2023

R.Seethalakshmi

... Petitioner

Vs.

1.The District Collector

Tenkasi District,
Tenkasi.

2.The Tahsildar

Thiruvengadam Taluk,
Thiruvengadam,
Tenkasi District.

3.The Village Administrative Officer,

Karisathan Village,
Thiruvengadam Taluk,
Tenkasi District.



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4.Vasantha

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 herein to cancel the patta Nos.5553, 5588, 3484 and 777 that was erroneously granted to the 4th respondent on 13.04.2023 in respect of the properties in S.No.427/6C1, 864, 872/2C, 658/9 and 120/2A1, 120/3A1A, 120/2A, 367/2, 368/3, 622/2A, 863, 612/1, 685/3A, 685/4A, 731/4C respectively situated at Karisathan Village, Thiruvengadam Taluk, Tenkasi District, on the basis of the petitioner's representation dated 24.04.2023.

For Petitioner : Mr.S.Prasanth

For Respondents : Mr.N.Muthu Vijayan - for R1 to R3

Special Government Pleader

ORDER

The Writ petition has been filed in the nature of a Mandamus seeking a direction to the respondents 1 to 3, to cancel the



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patta Nos.5553, 5588, 3484 and 777 which had been granted to the fourth respondent on 13.04.2023 relating to the properties in Survey Nos.427/6C1, 864, 872/2C, 658/9 and 120/2A1, 120/3A1A, 120/2A, 367/2, 368/3, 622/2A, 863, 612/1, 685/3A, 685/4A, 731/4C respectively at Karisathan Village, Thiruvengadam Taluk, Tenkasi District. The petitioner had given a representation on 24.04.2023.

2. The petitioner and the fourth respondent are sisters. The fourth respondent had instituted a suit in O.S.No.97 of 2014 before the Sub Court at Sankarankovil, seeking partition and separate possession of aforementioned properties. A Preliminary decree had been passed. The petitioner states that she had filed an appeal before the District Court, but said appeal had not yet been numbered and still is in the SR stage.

3. In the mean while, the respondents 1 to 3 had granted patta to the fourth respondent to the aforementioned lands. The entire issue can be resolved only on the civil suit finally being disposed of by the Appellate Court in the hierarchy of appeals. The patta which had been granted to the fourth respondent would only be subject to the final



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disposal of the suit and its subsequent appeals. The petitioner can also make necessary application before the Appellate Court. But independent Writ Petition may not lie.

4. Even without issuing notice to the fourth respondent the Writ Petition stands dismissed. The word dismissed would not mean that the petitioner's right had been examined by this Court. The right, title and interest of the petitioner can be examined only by the civil forum and I am confident that independent of this order, the appellate Court, would examine the appeal of the petitioner herein. No order as to costs.

09.06.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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To
WEB COPY

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Thiruvengadam,

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C.V.KARTHIKEYAN, J.

RM

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