



W.P.(MD) No.16315 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.16315 of 2020

K.Tamilarasan,

... Petitioner

Vs

1. The Tahsildar,
Dindigul West Taluk Office, Dindigul.

2. Kulanthai,
S/o.Thonthi Servai ,
Anumantharayankottai, Sinthalakundu
Village , Dindigul West Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 03/06/2020 within time frame fixed by this Court.

For Petitioner	: Mr.K.Arunraj
For Respondents	: Mr.A.K.Manikkam for R1 Special Government Pleader Mr.C.Senthilmurugan for R2



W.P.(MD) No.16315 of 2020

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to consider the representation made by the petitioner on 03/06/2020 within the time fixed by this Court.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent.

3. The grievance of the petitioner is that the second respondent had approached this Court by filing WP No.18431 of 2019 seeking for issuance of patta in his favour and this writ petition was disposed of by order dated 27.08.2019 and in the said writ petition, the petitioner and other rival claimants were not added as parties. In view of the same, the petitioner made a representation to the first respondent not to grant any patta in favour of the second respondent in view of the pendency of the suit in O.S.No.663 of 2019. Since the same was not considered, the present writ petition has been filed before this Court.



W.P.(MD) No.16315 of 2020

WEB COPY

4.It is seen from the order passed in W.P(MD) No.18431/2019 dated 27.08.2019 that the Tahsildar was directed to issue notice to all the parties concerned and thereafter pass orders and for proper appreciation, the relevant portion is extracted hereunder:

“6.Having regard to the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following directions:- “that the respondent is hereby directed to consider the representation of the petitioner, dated 03.06.2019 on merits and in accordance with law, after hearing the petitioner as well as the private persons, namely Dhanalakshmi, Thennarasan, Tamilarasan and Anbarasi, in whose name patta in respect of the property stands and also hear any other third party or rival claimants, if such a claim comes to the notice of the respondent and thereafter, pass orders on the representation of the petitioner, as indicated above, within a period of eight weeks from the date of receipt of a copy of this order.”

5.The learned special Government Pleader, on instructions, submitted that the Tahsildar did not pass any orders on the representation made by the 2nd respondent since there was a partition suit pending between the parties in O.S.No.663/2019 and till the disposal of the suit,



W.P.(MD) No.16315 of 2020

the first respondent will not be able to issue patta in favour of any party.

In the light of the specific stand taken by the first respondent, the grievance expressed by the petitioner is sufficiently redressed. It is made clear that the parties will agitate their rights in the pending suit and depending upon the outcome of the suit, they can approach the revenue authorities seeking for patta.

6. This writ petition is disposed of with the above terms. No costs.

06.10.2023

Index : Yes/No
NCC : Yes/No
RR
To
The Commissioner,
Kovilpatti Municipality, Kovilpatti,
Tuticorin District.



WEB COPY



W.P.(MD) No.16315 of 2020

N.ANAND VENKATESH, J.

RR

WP. (MD)No.16315 of 2020

06.10.2023