



W.P(MD).No.13893 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.13893 of 2014

Kumar

..... Petitioner

- Vs-

1. The District Collector,
Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai District.
3. The Tahsildar,
Kulathur Taluk,
Pudukkottai District.
4. Sathyamoorthy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, thereby directing the second respondent to dispose the appeal in Na.Ka.D3/19518/2010, dated 17.07.2014 within a reasonable time to be fixed by this Court.

For Petitioner

: Mr.P.Ganapathi Subramanian



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For Respondents : Mr.M.Prakash
Additional Government Pleader
(For R1 to R3)
: No appearance (For -R4))

ORDER

The present Writ Petition has been filed seeking for a Mandamus to direct the second respondent to dispose the appeal in Na.Ka. D3/19518/2010, dated 17.07.2014 within a reasonable time to be fixed by this Court.

2. The case of the petitioner is that the appeal arises out of the patta proceedings concerning the civil dispute between the petitioner and the 4th respondent herein. A civil suit in that regard has been filed and the same is pending in O.S.No.180 of 2011 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur. Pending suit, the revenue authorities have mutated the revenue records in favour of the fourth respondent. Hence, he had filed an appeal before the first respondent and the same was still pending.

3. The learned Counsel for the petitioner would also contend that the second and third respondents ought not to have entertained the petition of



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the fourth respondent seeking mutation of patta, when there is a dispute regarding the title of property. To substantiate his contention, he has placed reliance upon Rule 4(4) Tamil Nadu Patta Pass Book Act.

4 (4). In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from a competent Civil Court having jurisdiction before changing the entries as already recorded and existing in the various revenue records.

4. Therefore, he sought for a mandamus to direct the first respondent to dispose of the appeal.

5. Without advertent to the averments made in the Writ Petition and considering the limited relief, the first respondent is directed to consider the appeal filed by the petitioner, dated 17.07.2014 in Na.Ka. D3/19518/2010 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above said direction, this Writ Petition is disposed of. No costs.

06.01.2023

NCC: Yes / No

Index : Yes / No

Internet : Yes / No

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To

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K.KUMARESH BABU, J.

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Order made in
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