



W.P.(MD)No.2218 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.2218 of 2015

and

M.P.(MD).No.1 of 2015

A.Sheik Dawood

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.Special Tahsildar,
Town Land Tax Planning,
Devakottai, Sivagangai District.

3.Pandi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus, directing the respondent to refrain from issuing a change of patta to the third respondent Pandi, S/o.Malayandi for the land in Devakottai Municipality, Town Survey Ward L, Block 4, T.S.No.10/3 with an extension of 10136 sq feet absolutely owned by the petitioner with patta No.12003 in his mother's name Ummalkuluthbivi.



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For Petitioner :Mr.K.Narayanakumar
For Respondents :Mr.V.Om.Prakash
Government Advocate for R1 & R2
:Mr.J.Anandkumar for R3

ORDER

This writ petition has been filed seeking for a mandamus, to direct the respondent not to issue patta in favour of the third respondent, in respect of T.S.No.10/3, which is comprised in patta No.12003, standing in the name of the petitioner's mother.

2.A counter affidavit has been filed by the Special Tahsildar/second respondent, contending that by his in proceedings No.T.P.T.5/2002-03, dated 16.04.2002, an order transferring patta in favour of the third respondent, with regard to the above properties had already been made and that the petitioner had not preferred any appeal before the appellate authority. Further, a suit in O.S.No.103 of 2007, has been initiated by the petitioner as against the third respondent and the said suit has been dismissed.



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3.The learned counsel for the petitioner would submit that as against the judgment and decree made in O.S.No.103 of 2007, he had preferred an appeal suit and the same has also been dismissed. But, however, he has preferred a Second Appeal before this Court and the same is pending consideration.

4.In view of the aforesaid facts, the petitioner is at liberty to approach the revenue authorities, subject to the result of the second appeal in S.A.No.32 of 2022. Since already patta has been mutated by the Tahsildar, Devakottai, the prayer sought for in the writ petition cannot be entertained.

5. In fine, with the aforesaid liberty to the writ petitioner, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

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



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Sivagangai District, Sivagangai.
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Devakottai, Sivagangai District.



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K.KUMARESH BABU, J.

sbn

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