



WP(MD)No.16791 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.16791 of 2016
and
WMP(MD)No.12188 of 2016

Ravi Kumar

.. Petitioner

v.

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

3.R.Usha Rani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the first respondent from proceeding further with respect to Na.Ka.No.Aa6/1771/15 with regard to the cancellation of patta in S.No.16/11, 20/2, 23/6 in Appaneri



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Village, Kovilpatti Taluk, Tuticorin District, pending disposal of the suit in

O.S.No.90 of 2012 on the file of the Sub Court, Kovilpatti.

For Petitioner : No appearance

For Respondents : Mr.G.Suriya Anandh,
Additional Government Pleader
for R.1, R.2

Mr.V.Thirumal for R.3

ORDER

This writ petition is filed by one Ravi Kumar S/o.Chinna Samy Naicker for a mandamus forbearing the first respondent from proceeding with the enquiry contemplated in Na.Ka.No.Aa6/1771/15 with regard to the land in S.Nos.16/11, 20/2, 23/6 of Appaneri Village, Kovilpatti Taluk, Tuticorin District, pending disposal of the suit in O.S.No.90 of 2012 on the file of the Sub Court, Kovilpatti.

2.When the writ petition is taken up for hearing, there is no representation for the petitioner.



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3.Learned Counsel for the third respondent submitted that the third respondent is also the daughter of Chinna Samy Naicker and the petitioner is the third respondent's brother. The properties in S.Nos.16/11, 20/2, 23/6 of Appaneri Village, Kovilpatti Taluk, Tuticorin District, originally belong to their grandfather Sankaranarayanan. Their father, Chinna Samy Naicker, one of the legal heirs of Sankaranarayanan, has administered the property and the petitioner, without the knowledge of the other legal heirs, has obtained a settlement deed from Chinna Samy Naicker in the year 2012, when he was in death bed at the age of 80 years. Within two years from the date of settlement, Chinna Samy Naicker passed away.

4.He further submitted that the third respondent and other legal heirs, on coming to know about the document created by the petitioner, have filed a suit for partition before the Sub Court, Kovilpatti, in O.S.No.90 of 2012. The suit is still pending and now it is at the stage of evidence. They have also made a representation to cancel the patta fraudulently obtained by the petitioner for the subject property.



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5.Learned Additional Government Pleader for the respondents 1 & 2 submitted that in view of the pendency of the civil suit, they have not passed any orders on the application submitted by the third respondent for cancelling the patta.

6.This Court considered the submissions made by the respondents and also perused the materials placed on record.

7.It appears that a partition suit has already been filed and pending before the Sub Court, Kovilpatti, in O.S.No.90 of 2012. The third respondent claims that there are other legal heirs also, however, the petitioner has obtained the patta by suppressing the same. This Court, while entertaining the writ petition on 02.09.2016, has granted an order of *status-quo*. After obtaining an interim order, the petitioner is not prosecuting this writ petition and this writ petition is pending from the year 2016.



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8. Therefore, this writ petition is dismissed with a direction to the Sub Court, Kovilpatti, to conclude the partition suit in O.S.No.90 of 2012 as expeditiously as possible. Till such time, the patta granted in favour of the petitioner in respect of the properties in S.Nos.16/11, 20/2, 23/6 of Appaneri Village, Kovilpatti Taluk, Tuticorin District, shall be kept under abeyance.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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B.PUGALENDHI, J.

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To

- 1.The Revenue Divisional Officer,
Kovilpatti,
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Kovilpatti Taluk,
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