



W.P(MD)No.4681 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4681 of 2016 and
WMP(MD) No.4225 of 2016

S.M.Abdul Khadar

...Petitioner

Vs

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk Office,
Aranthangi,
Pudukkottai District.

3.Mariam Beevi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent from proceeding with the enquiry pursuance to his notice issued in Na.Ka.No.19006/2015/AA1, dated 18.12.2015 till the disposal of the suit in O.S.No.11/2012 on the file of the Sub Court, Pudukkottai.



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For Petitioner : Mr.P.R.Prithiviraj
For R1 & R2 : Mr.Baskaran
Government Advocate
For R3 : Mr.N.Balakrishnan

ORDER

This writ petition is filed for a Mandamus forbearing the respondents from proceeding with the enquiry as contemplated in Na.Ka.No.19006/2015/AA1, dated 18.12.2015 till the disposal of the suit in O.S.No.11/2012 on the file of the Sub Court, Pudukkottai.

2.The learned counsel appearing for the petitioner submits that the property in Survey No.139/10 measuring to an extent of 0.09.05 ares situated at Merpanikadu Village, Aranthangi Taluk, Pudukkottai District belongs to the petitioner's grand mother namely, Patthu Muthu Ammal. She had executed a registered Will on 20.06.1991 and as per the Will, the subject property was allotted to the petitioner and his brothers. Since then, they are in possession and enjoyment of the above property. The third respondent herein, who has no right or title over the said property attempted to interfere with



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the peaceful possession of the petitioner's property. Hence, the petitioner along with his brother filed a suit in O.S.No.11 of 2012 before the Sub Court, Pudukottai for the relief of injunction. The learned counsel admits that the above suit was dismissed by the trial Court, as against which, the petitioner filed an appeal before the District Court, Pudukottai in A.S.No.7 of 2019. The first Appellate Court allowed the appeal and remanded the matter back to the trial Court for fresh consideration and the same is still pending in O.S.No.42 of 2017 before the Sub Court, Aranthangi.

3.The grievance of the petitioner is that though a civil proceeding is pending before the Civil Court, at the instance of the third respondent, the revenue officials attempted to transfer the patta which stands in the name of the petitioner.

4.Considering the submission made by the learned counsel for the petitioner that after dismissal of the suit filed by the petitioner and on an appeal, the matter was remanded back to the



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trial Court and now it is pending in O.S.No.42 of 2017 before the Sub Court, Aranthangi, this writ petition is disposed of with a direction to the learned Sub Judge to dispose of the above suit as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

05.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

1.The Sub Court, Aranthangi.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Aranthangi Taluk Office,
Aranthangi,
Pudukkottai District.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.4681 of 2016 and
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