



W.P.No.1940 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.1940 of 2020

K. Faiyaz Ahmed

...Petitioner

-Vs-

1. The District Collector,
Sathuvachari,
Vellore District.
2. The Special Tahsildhar,
(Natham Land Tax Scheme)
Walajah Taluk,
Vellore District.
3. The Tahsildhar,
Walajah Taluk,
Vellore District.
4. Fathima Bee @ Fathimuthu

5. Niyamadullah

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 05.12.2019 to cancel the patta in Patta No. 1453 of 1994 issued in favour of the fourth respondent by affording ample opportunity of personal hearing within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For R1 to R3 : Mrs.M.Jayanthi



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Additional Government Pleader

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For R4 & R5 : Steps due

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the second respondent to consider the representation of the petitioner dated 05.12.2019 to cancel the patta in Patta No. 1453 of 1994 issued in favour of the fourth respondent by affording ample opportunity of personal hearing within stipulated period.

2. The learned counsel appearing for the petitioner submitted that he has filed suit in O.S.No. 86 of 2019 on the file of Sub-Court, Ranipet seeking for the following relief:-

“a) Declaration of sale deed dated 17.05.2016 sale deed is null and void.

b) Consequentially grant a permanent injunction the first and second defendants, not to alienate the property to his men, servants, staff, agents, assigns, heirs, successors-in-interest, representatives, authorized persons, relatives, till the disposal of the suit.

c) Directing the defendants to pay the plaintiffs costs of this suit and other ancillary proceedings.”

3. The learned Additional Government Pleader appearing for the



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first to third respondent submitted that suit in O.S.No. 86 of 2019 is filed by the petitioner was dismissed for default on 13.03.2024.

4. Heard both sides and perused the materials available on record.

5. The above relief sought for in this writ petition cannot be granted to the petitioner, in view of the filing of the suit in O.S.No. 86 of 2019 to declare the sale deed executed by the fourth respondent to the fifth respondent as null and void, which was subsequently dismissed for default on 13.03.2024 by the Trial Court. Hence, nothing survives in this writ petition for further adjudication.

6. In view of the above, this writ petition is dismissed as infructuous. No costs.

24.06.2024

ns1

Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

J.SATHYA NARAYANA PRASAD, J.



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ns1

To
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