



W.P.(MD)No.3074 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 13.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.3074 of 2024

Kumarasekar

...Petitioner

/Vs./

1.The District Collector,
Collectorate Campus Tirunelveli,
Kokkirakulam,
Tirunelveli – 627 009.

2.The Revenue Divisional Officer,
Collectorate Campus Tirunelveli,
Kokkirakulam,
Tirunelveli – 627 009.

3.The Tahsildar,
Palayamkottai Sub Division,
Palayamkottai,
Tirunelveli – 627 009.

4.Sheik Allavithin

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent not to issue or alienate the patta in patta No.2020 and in T.S.No.1141/1 at Keelaveeragapuram Village, Palayamkottai Sub Division, Tirunelveli District, till the disposal of appeal in A.S.(MD).No.37 of 2007 on the file of this Court.



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For Petitioner : Mr.S.M.Ramasiva

For Respondents : Mr.SRA.Ramachandran (R1 to R3)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 2nd respondent not to issue or alienate the patta in patta No.2020 and in T.S.No.1141/1 at Keelaveeragapuram Village, Palayamkottai Sub Division, Tirunelveli District, till the disposal of appeal in A.S.(MD).No.37 of 2007 on the file of this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents. Since no adverse order is going to be passed in this writ petition, notice to the 4th respondent is dispensed with. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that a suit in OS No.71 of 2004 was filed by the petitioner and the other legal heirs of the petitioner's father seeking for partition of the property, which was decreed by the judgment and decree dated



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14.09.2006, against which, an appeal in AS(MD)No.37 of 2007 was filed which is still pending. During the pendency of the appeal, the father of the petitioner executed a sale agreement with the fourth respondent through registered documents, based on which, the fourth respondent with a malafide intention applied for issuance of patta in his name. The petitioner made a representation to the respondents on 01.02.2024 not to issue or alienate the patta in patta No. 2020 and in T.S.No.1141/1 at Keelaveeragapuram Village, Palayamkottai Sub Division, Tirunelveli District, till the disposal of appeal. Since the same has not been considered till date, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the official respondents submits that based on the agreement of sale, the fourth respondent is trying to mutate patta and that the petitioner's representation will be disposed of in accordance with law by the respondents within the time stipulated by this Court.

5. In view of the above said submission, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to conduct enquiry by considering the representation of the petitioner, dated 01.02.2024 and pass appropriate orders on merits and in accordance with law,



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after affording an opportunity of hearing to the parties concerned, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

13.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.3074 of 2024

Dated:
13.02.2024