



W.P(MD)No.8246 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8246 of 2024

and

W.M.P(MD)No.7446 of 2024

Vinod N Patel

... Petitioner

Vs.

1.The District Revenue Officer,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Trichy District,
Trichy.

3.The Tahsildar,
Trichy West Taluk,
Trichy District.

4.The Deputy Tahsildar,
Trichy West Taluk,
Trichy District.

5.The Revenue Inspector,
Ponmalai,
Trichy District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents and their men is doing any construction activities in the petitioner's property in Old Survey No. 55, New Survey No. 154/2, Panjapur village, Trichy Taluk, K.Sathanur Sub Division, Trichy, until pending disposal of the unnumbered appeal petition file before the first respondent 26.03.2024.

For Petitioner : Mr.S.Sankarapandian
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner wants this Court to restrain the respondents from putting up any construction in the petition mentioned survey number.

3.I called upon the learned counsel appearing for the petitioner to produce copy of the patta. It is fairly submitted that as on date patta is not in favour of the petitioner. But the petitioner's counsel was at pains to point out that in the SLR, the name of the petitioner's predecessor's-in-title is reflected. According to the petitioner, it is a case of UDR error.



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The petitioner has also moved the District Revenue Officer by filing an appeal on 26.03.2024. As on date, the revenue record does not reflect the petitioner's name. I will not be justified in restraining the respondents from going ahead with the proposed construction. That does not mean the petitioner is without remedy. If the petitioner succeeds in establishing his title, the construction now sought to be put up will have to be demolished. In other words, the respondents are putting up construction in the petition mentioned survey number at their own risk and peril.

4.The first respondent is directed to dispose of the petitioner's appeal dated 26.03.2024 on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5.The learned counsel appearing for the petitioner points out that the case on hand is squarely covered by the order dated 26.09.2023 made in W.P(MD)No.4607 of 2019. The first respondent is obliged to take note of the said contention and the order passed by this Court while disposing of the petitioner's appeal.



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6.It is open to the petitioner to move the jurisdictional civil Court for appropriate relief. If the plaint is in order and the requisite Court fee is also paid, the trial Court is directed to number the suit immediately and take the same on file. It is open to the petitioner to file an Interlocutory Application. If any such Interlocutory Application is filed, it shall be numbered immediately and disposed of as expeditiously as possible. It is equally open to the trial Court to grant even exparte relief. The trial Court likewise is mandated to take note of the order dated 26.09.2023 made in W.P(MD)No.4607 of 2019.

7.With these observations and directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MGA

To

1.The District Revenue Officer,



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Trichy.
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G.R.SWAMINATHAN,J.

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