



W.P.(MD) No.17427 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.17427 of 2018

M.Pappathi

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

3.Eranaveeran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to expedite his proceedings in respect of the patta proceedings of the petitioner's property in survey No.3A/2A2 to an extent of 17 cents by considering the petitioner's representation dated 06.09.2017.

For Petitioner : Mr.S.Manikandan



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For R1 & R2 : Mr.G.Suriyananth
Additional Government Pleader

For R3 : Mr.P.Sivachandran

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to expedite his proceedings in respect of the patta proceedings of the petitioner's property in Survey No.3A/2A2, measuring an extent of 17 Cents, by considering the petitioner's representation dated 06.09.2017.

2.It appears that there is a dispute between the petitioner and the third respondent.

3.It is the case of the petitioner that the petitioner purchased the land from one Joseph Raj on 28.05.2005 and after purchasing the said property, the petitioner and her family members claim to have been in peaceful possession and enjoyment of the property.



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4.It is submitted that the third respondent used to quarrel with the petitioner in respect of the property and hence, the petitioner has filed O.S.No.471 of 2008 before the District Munsif Court, Srivilliputhur. Since the said Suit was dismissed, the petitioner filed A.S.No.4 of 2012 before the Subordinate Court, Srivilliputhur, which was dismissed. Therefore, a further appeal is pending at the behest of the petitioner before this Court in S.A.(MD)No.231 of 2017.

5.It is the case of the petitioner that the second respondent has transferred the Patta from one Chellappa Iyengar to the third respondent Erana Veeran and therefore, the petitioner immediately sent a legal notice to the second respondent and that the second respondent, the Surveyor and the Village Administrative Officer, who came to the property in question on 24.05.2017 and tried to survey the same, which the petitioner and her family members had objected and thereafter, on 31.08.2017 they came along with Police Personnels and surveyed the property without giving any notice to the petitioner.

6.Hence, the petitioner sent a representation on 06.09.2017 to the District Collector, Virudhunagar District and also the first respondent herein.



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Subsequently, the first respondent called the petitioner for enquiry. The petitioner appeared for enquiry. Thereafter, there was no progress. Hence, the present Writ Petition.

7.Having considered the submissions made by the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 and 2 and the learned counsel for the third respondent, I am of the view that the writ petition is premature. It is open for the petitioner to approach the respondents, only if the petitioner succeeds in S.A.(MD) No.231 of 2017 pending before this Court.

8.With the above liberty, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
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To

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C.SARAVANAN, J.

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