



WP(MD)No.27674 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27674 of 2024

C.M.Anbalagan

...Petitioner

Vs.

1.The District Collector,
O/o the District Collector,
Theni District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam Taluk,
Theni District.

3.The Tahsildar,
O/o The Tahsildar,
Uthamapalayam Taluk,
Theni District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 28.08.2024 and consequently direct the third respondent to issue patta in the petitioner's favour pertaining to the property comprised in Punjai Ayan Survey No. 315/2, measuring an extent of 20 cents in Poomalaigundu Village, Theni Sub District, Periyakulam Registration District, Theni District within the time frame stipulated by this Court.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.M.Muthumanikkam

Government Advocate Civil side



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ORDER

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This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 28.08.2024 and consequently direct the third respondent to issue patta in petitioner's favour pertaining to the property comprised in Punjai Ayan Survey No.315/2, measuring an extent of 20 cents in Poomalaigundu Village, Theni Sub District, Periyakulam Registration District, Theni District, within the time frame stipulated by this Court.

2. With consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner purchased the subject property from the lawful owner one Muthu in Doc.No.1040 of 2023 on 18.10.2023. According to the petitioner, from the date of purchase, the petitioner was in peceaful possession and enjoyment of the subject property. As the petitioner was not issued with patta for the aforesaid property, despite severel requests to the third respondent, the petitioner sent a representation dated 26.08.2024, to initiate appropriate action for issuance of patta in his name for the subject property. The petitioner also applied through online



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for patta on 28.09.2024 in refrence No.2024/0103/25/117243. Though the petitioner made an online application, patta was not issued. Therefore, the petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner's vendor was issued with patta by the Tahsildar Taluk Office, Theni, on 06.10.2023 in Patta No.6450. The said patta was challenged by one B.Baskaran in WP(MD)No.29568 of 2023 and the same is pending before this Court. The learned Government Advocate further submitted that the petitioner, though a party to the aforesaid Writ Petition, has filed the present Writ Petition suppressing the said fact. The learned Government Advocate therefore submitted that this Writ Petition deserved to be dismissed on the short point of supression of facts. The learned Government Advocate also produced a copy of the affidavit in W.P(MD)No.29568 of 2023.

5. A perusal of the affidavit in WP(MD)No.29568 of 2023, shows that the patta issued to the petitioner's vendor in patta No.6450, is under challenge in the said Writ Petition. Though the petitioner was arrayed as



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a party in the said Writ Petition as respondent No.7, he has suppressed the fact and filed this writ petition. As the patta issued in favour of the petitioner's vendor is subjudice before this Court, no relief can be granted to the petitioner at this stage. More over, the petitioner has approached this Court with unclean hands. So, the writ petition deserves no merits.

6. In view of the above, this Writ Petition deserves to be dismissed and the same is dismissed. No costs.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

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O/o the District Collector,
Theni District.

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Revenue Divisional Office,
Uthamapalayam Taluk,
Theni District.

3.The Tahsildar,
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N.MALA,J.

CM

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