



W.P.(MD) No.23784 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.23784 of 2017

K.Kannan

... Petitioner

Vs.

1.The State represented by
District Collector,
Trichirappalli.

2.The Tahsildar,
Thuraiyur, Trichy District.

3.Kamala Natesan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 02.08.2017 and issue patta in respect of the property comprised in S.F.No.323/6 Ac.0.50 cents and S.F.No.323/9 Ac.0.04 cents at Thuraiyur Village, Trichy District.

For Petitioner : No appearance

For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

For R3 : Mr.H.Lakshmi Shankar



W.P.(MD) No.23784 of 2017

ORDER

WEB COPY The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the first and second respondents to consider the petitioner's representation dated 02.08.2017 and issue patta in his favour in respect of the properties comprised in S.F.No.323/6 measuring to an extent of Acre 0.50 cents and S.F.No.323/9 measuring to an extent of Acre 0.04 cents at Thuraiyur Village, Trichy District.

2. Mr.V.Singan, learned counsel for the petitioner on record, is no more. Mr.S.P.Maharajan, learned Special Government Pleader for the first and respondents appears. Mr.H.Lakshmi Shankar, learned counsel for the third respondent also appears.

3. The learned counsel for the third respondent submits that the third respondent had filed a suit in O.S.No.1092 of 2010 before the I Additional Sub Court, Tiruchirappalli against the petitioner's father K.Kandasamy, for permanent injunction which was decreed on 14.12.2012. It is further submitted by the learned counsel for the third respondent that apart from the petitioner's father, the third respondent had also arrayed other relatives of the petitioner as defendants in the said suit.



W.P.(MD) No.23784 of 2017

WEB COPY

4. The learned Special Government Pleader for the first and second respondents submits that during the pendency of this Writ Petition, an order has been passed by the second respondent Tahsildar of Thuraiyur Taluk on 12.08.2023 in No.Na.Ka.A1/6452/2023. In the aforesaid proceedings, the second respondent has directed the petitioner to file a civil suit.

5. In my view, the dispute between the petitioner and the third respondent is civil in nature and therefore, this Writ Petition filed for issuance of Writ of Mandamus to consider the petitioner's representation and issue patta in his favour in respect of subject property cannot be entertained. The suit that was filed earlier by the third respondent against the petitioner's father in O.S.No.1092 of 2010 before the I Additional Sub Court, Tiruchirappalli which is said to have been decreed on 14.12.2012 also would not *ipso facto* determine the ownership of the properties. It is for the petitioner and the third respondent to approach the civil court for declaratory relief. For the aforesaid reasons, this Writ Petition is liable to be dismissed.



W.P.(MD) No.23784 of 2017

WEB COPY 6. Accordingly, this Writ Petition is dismissed. No costs.

01.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

Copy To:

- 1.The Lead District Manager,
Canara Bank, Lead Bank Office,
Salai Road, Dindigul.
- 2.The Branch Manager,
Indian Bank,
Nethaji Nagar Branch,
Dindigul.



WEB COPY



W.P.(MD) No.23784 of 2017

C.SARAVANAN, J.

JEN

W.P.(MD) No.23784 of 2017

01.04.2024