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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.24013 of 2017

Suseelabai ... Petitioner

Vs.

1.The District Collector,
Kanyakumari District.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

3.R.David ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 14.10.2017 filed in the form of objection against granting of patta in favour of the third respondent in Re.Sy.No.736/1, Lakshmipuram Village.

For Petitioner : Mr.A.Balakrishnan

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

For R3 : No appearance

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O R D E R

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 14.10.2017 filed in the form of objection against the granting of patta in favour of the third respondent in Re.Sy.No.736/1, Lakshmipuram Village.

2. There are disputed questions of fact which cannot be determined in this Writ Petition. It appears that the third respondent had already filed a civil suit in O.S.No.10 of 2016 before the Principal District Munsif Court, Eraniel for a permanent injunction against the petitioner. The said suit is said to have been decreed on 16.03.2023 in favour of the third respondent during the pendency of this Writ Petition.

3. Therefore, this Writ Petition filed for a Mandamus cannot be entertained. In any event, it is for the petitioner to establish her rights over the subject property by filing a suit for declaration. It is still open for the petitioner to file an appeal against the Judgment and Decree passed by the Principal District Munsif Court, Eraniel in O.S.No.10 of 2016 before the Sub Court to canvass her right over the subject property in respect of

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which a patta was allegedly given to the private respondent namely, the third respondent herein.

4. With the above liberty, this Writ Petition stands dismissed. No costs.

01.04.2024

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

JEN

Copy To:

1.The District Collector,
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C.SARAVANAN, J.

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