



W.P.(MD) No.19083 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.19083 of 2022

and

W.M.P(MD) No.13938 of 2022

Mani @ Kannappan

Vs.

... Petitioner

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi
Pudukkottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.Selvi

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents 2 and 3 from passing any order of Assignment or patta in favour of the fourth respondent or anybody till the final adjudication in respect of SF.No.311/6 of Nattumangalam Village, Ettiyathali Revenue Village, Aranthangi Taluk, Pudukkottai District.



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For Petitioner : Mr.R.Paranjothi
For R1 to R3 : Mr.D.S.Nedunchezian
Government Advocate
For R4 : Mr.R.Suriyanarayanan

ORDER

This writ petition is filed seeking the issuance of mandamus forbearing the respondents 2 and 3 from passing any order of assignment or patta in favour of the fourth respondent till the final adjudication of the dispute by the Civil Court in respect of property situated in Survey No.311/6, Nattumangalam Village, Ettiyathali Revenue Village, Aranthangi Taluk, Pudukkottai District.

2.Heard the arguments of Mr.R.Paranjothi, learned counsel appearing for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate appearing for the respondents 1 to 3 and Mr.R.Suriyanarayanan, learned counsel appearing for the fourth respondent.



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3.It is the admitted case of the petitioner that the subject property with an extent of 0.45.5 acres in Survey No.311/6 is classified as “Government Poramboke Punjai Dry Land”. The petitioner claims that he has been in possession and enjoyment of the same with the revenue records in his name. The fourth respondent claiming possession over the subject property filed a suit in O.S.No.125 of 2007 on the file of the District Munsif Court, Aranthangi. The said suit for injunction was dismissed by the trial Court. Aggrieved by the same, the fourth respondent preferred an appeal in A.S.No.123 of 2017 on the file of Sub Court, Aranthangi. The first appellate Court reversed the finding of the trial Court and granted permanent injunction in favour of the fourth respondent. Challenging the said judgment and decree, the petitioner herein filed a second appeal in SA(MD) No.10 of 2021 and the same is pending disposal before this Court.

4.It is not the case of the petitioner that this Court granted any interim order in the second appeal suspending the decree for permanent injunction. Therefore, the decree for permanent injunction obtained by the fourth respondent is in operation against the petitioner as on today.



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In these circumstances, this Court is not inclined to issue any direction to the respondents not to consider the request of the fourth respondent for assignment of the property on the strength of his possession. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to obtain an appropriate interim order in the pending second appeal. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
cp

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Aranthangi, Pudukkottai District.
- 3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.



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S.SOUNTHAR,J

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