

In the High Court of Judicature at Madras

Dated: 08.12.2015

Coram

The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.31115 of 2013

1.Bharathi
2.Rani

.. Petitioners

Vs.

1.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

2.S.Somasundaram

.. Respondents

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the 1st respondent to issue a consolidated Patta by transferring Patta No.2368 along with Patta No.2325 in respect of the lands situate in S.Nos. 343/1A, 343/2A1, 343/2A2, 343/2C1, 343/2C2, 343/2C3, 344/2A, 346/2, 347/1, 349/1, 349/2, 349/3, 349/4, 351/1, 352/2C, 352/2D, 359/1, 361, 362/1, 364/3A, 364/3C, 347/2B, 364/1, Venganur Village, Veppanthattai Taluk, Perambalur District, measuring a total extent of 17.91.00 hectares in the petitioners favour on the basis of the application dated 5.9.2013.

For Petitioners : Mr.P.Valliappan

For Respondents : Mr.V.Subbiah,

Special Government Pleader for R1

Mr.P.Mani for R2

ORDER

The petitioners, who are the daughters of the second respondent's brother, seeking a consolidated patta based upon a decree granted by the Civil Court, in which, the second respondent was not a party, have filed the present writ petition.

2. It is seen that the second respondent has filed a suit in O.S.No.7 of 2014 on the file of Principal District Court, Perambalur, for partition and separate possession and the same is pending. Therefore, the relief sought in this writ petition cannot be granted at this stage, more so, when the

first respondent has already issued patta as seen from the proceedings dated 31.07.2013, which indicates the names of the petitioners as well as the second respondent.

3. The learned counsel appearing for the petitioners submitted that the above said proceedings is not communicated to the petitioners, though a copy has been marked, so as to enable them to work out their remedy in the manner known to law.

4. Considering the above said facts, this Court is not inclined to go into the merits of the case. Suffice it is to direct the first respondent to furnish another copy of the order dated 31.07.2013 to the petitioners within a period of four weeks from the date of receipt of a copy of this order. Taking into consideration the pendency of the suit, the Principal District Judge, Perambalur, is directed to dispose of the suit in O.S.No.7 of 2014 within a period of nine months from the date of receipt of a copy of this order. It is also made clear that while doing so, the Civil Court will have to decide the suit without giving any credence to the order passed by the first respondent dated 31.07.2013. It is also made clear that in the event the petitioners filing an appeal against the order dated 31.07.2013 passed by the first respondent, the concerned authority shall decide the same on its own merit without rejecting it on the ground of delay. The petitioners are given four weeks time to work out their remedy.

5. The writ petition stands disposed of accordingly. No costs.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

raa

To

1.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

+1 CC to MR.P.Mani Advocate. SR.NO. 65873
+1 CC to MR.P.Valliappan Advocate. SR.NO.66129
+1 CC to Govt.Pleader. SR.NO. 66247

W.P.No.31115 of 2013

AR-IV

JD 18/12/2015