

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.38812 of 2015

Mangai

... Petitioner

Vs.

1. The District Collector
Villupuram District.
2. The Revenue Divisional Officer
Kallakuruchi Villupuram District.
3. The Revenue Tahsildar
Sankarapuram Taluk Villupuram District.
4. The Village Administrative
Officer Pallagacheri Village
Sankarapuram Thaluk Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the the 3rd respondent to consider the petitioners application dated 20.08.2015 for cancellation of patta in accordance with law with the time stipulated to this Honourable Court.

For Petitioner .. Mr.S.Mohamed Ansar

For Respondents..Mr.Pattabiraman
Govt.Advocate

ORDER

The petitioner having filed a suit in O.S.No.69 of 2014 pending on the file of the learned District Munsif, Sankarapuram made an application on 20.08.2015 seeking to cancel the patta standing as of now in favour of the defendants in the suit. Seeking appropriate orders at the hands of respondent No.3, the present writ petition has been filed.

2. Law is quite settled that any patta issued would be subject to the decision of the jurisdictional court. The

petitioner has filed a suit for declaration and partition which is pending disposal. Therefore, the direction sought for by the petitioner cannot be granted as the matter is before the jurisdictional Civil Court. However, the Civil Court is directed to dispose of the suit without any reference to the patta issued in favour of the defendants as it is a case of the petitioner that it has been issued during the pendency of the suit.

3. In view of the settled position of law that patta is not a document of title and it is also subject to the orders of the Civil Court, the learned District Munsif, Sankarapuram is directed to dispose of the suit in O.S.No. 69 of 2014 within a period of nine months from the date of receipt of a copy of this order. Liberty is granted to the petitioner to approach respondent No.3 based upon the Judgment and Decree to be rendered by the Civil Court.

4. The writ petition is disposed of accordingly. No costs.

kua

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Munsif, Sankarapuram,
Villupuram District.
2. The District Collector, Villupuram District.
3. The Revenue Divisional Officer,
Kallakuruchi, Villupuram District.
4. The Revenue Tahsildar,
Sankarapuram Taluk, Villupuram District.
5. The Village Administrative Officer,
Pallagacheri Village, Sankarapuram Thaluk,
Villupuram District.

+ 1 cc to Mr.S.Mohamed Ansar, Advocate Sr 66390.

+ 1 cc to The Govt.Pleader, Sr 66622.

VSN/CO
KR/23/12

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