

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9481 of 2018

R.Swathi (Minor)
D/o M.G.Raginikanth
represented by her Natural Guardian
and next Friend Mother Mrs.M.Parameshwari .. Petitioner

-vs-

1. The District Collector
District Collectorate
Vellore District 632 009
2. The Tahsildar
Anaicut Taluk
Vellore District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent vide order in Na.Ka.No.B-1.2452/2017 dated 22.12.2017 and quash the same and consequently direct the second respondent herein to issue patta in favour of the petitioner.

For Petitioner :: Mr.K.Govindan

For Respondents :: Mr.D.Suriyanarayanan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 22.12.2017 passed by the Tahsildar, Anaicut Taluk, Vellore District, the second respondent herein refusing to issue patta in favour of the petitioner, on the ground that the property in question has become the subject matter of a pending civil suit in O.S.No.17 of 2016 on the file of the Sub Court, Vellore.

2. A perusal of the plaint filed in the typedset shows that Mr.Elango, S/o Mr.T.Murugesan, who is said to have allegedly settled the properties in question in favour of the petitioner,

has specifically pleaded in the plaint that the properties covered in S.Nos.186/4A, 186/6B of Kandaneri village and in S.Nos.366/1B & 366/2A1 of Kazhanipakkam village of the respective extent, as claimed by the petitioner, have been described as the 'A' schedule properties in the pending suit. Since the civil suit in O.S.No.17 of 2016 filed by Mr.Elango, S/o T.Murugesan is pending on the file of the Sub Court, Vellor seeking a decree of partition, in my considered opinion, the second respondent has rightly refused the request of the petitioner to issue patta in her favour. The impugned order also says that only after the disposal of the pending suit, the request of the petitioner would be considered. Therefore, I do not find any error in the impugned order. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ss
To

1. The District Collector,
District Collectorate,
Vellore District 632 009.
2. The Tahsildar,
Anaicut Taluk,
Vellore District.

+1cc to Mr.K.Govindan, Advocate, S.R.No.28652
+1cc to the Government Pleader, S.R.No.29192

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sj(CO)
srg(17/05/2018)

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