

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.02.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.38113 of 2016

and

WMP No.32668 of 2016

1.A.Pattammal

2.A.Chittibabu

3.Viji (Vijayan)

...Petitioners

vs

1.The Thasildar,
Kadambattur Panchayat,
Thiruvallur Taluk,
Thiruvallur District.

2.M.Bakthavachalam

3.M.Dhanraj

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the first respondent to issue patta in respect of property situate at S.No.286/2 Vangathur Village, Kadambathur Panchayat Union, Manavalanagar Sub District, Thiruvallur District.

For petitioner : Mr.V.Raghavachari

For Respondents : Mr.D.Suriyanarayanan for R1
Additional Government Pleader
Mr.R.N.Amarnath for R2 and R3

ORDER

The petitioner seeks for a mandamus directing the first respondent to issue patta in respect of property situate at S.No.286/2 Vangathur Village, Kadambathur Panchayat Union, Manavalanagar Sub District, Thiruvallur District.

2.After notice, the respondents filed a counter affidavit.

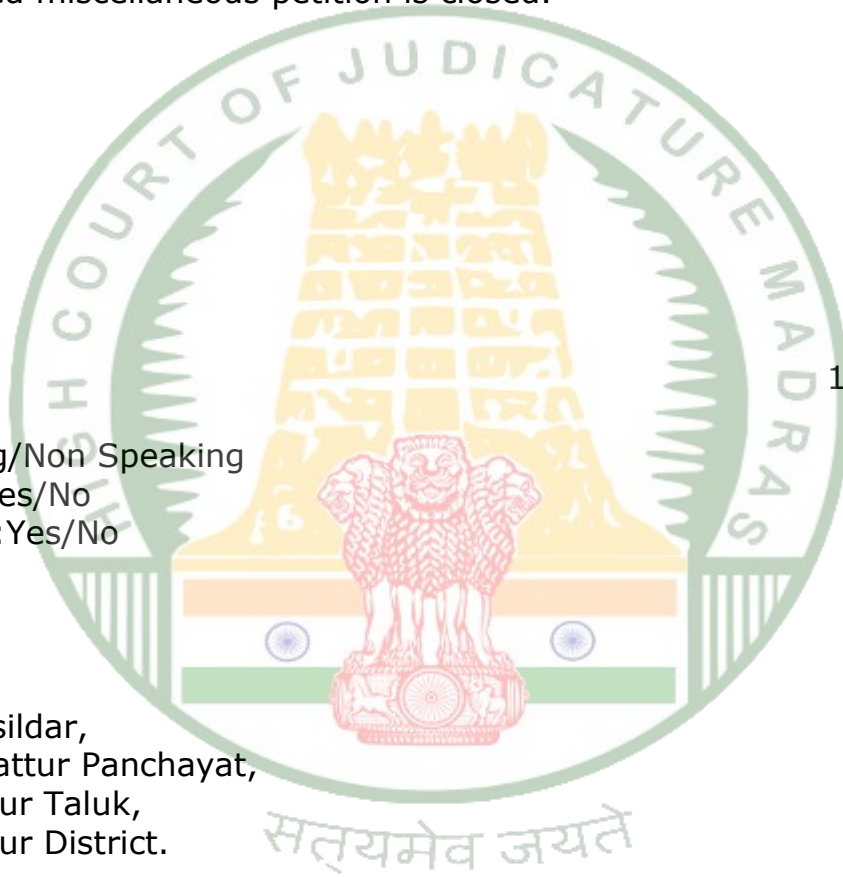
3.It is seen from the counter affidavit filed by the respondent that in respect of the property, for which the petitioner seeks patta, a suit filed by the respondents 2 and 3 for recovery of possession from the petitioner is pending in O.S.No.128 of 2014 on the file of the District Munsif Court, Thiruvallur. Though the petitioners claim to be the owner of the properties, the respondents 2 and 3 dispute such claim by citing the pendency of such suit. Needless to say that when the Civil Court has seized of the matter, where the respective rights of the parties have to be decided, the Revenue Authority viz., the first respondent, in the mean time, cannot go into the rival dispute and issue patta either in favour of the petitioners or in favour of other parties. In any event, it is always open to the respective parties to approach the Revenue Authorities, once the civil dispute comes to an

end. Therefore, the mandamus, as sought for in this writ petition, cannot be entertained for the present, however leaving it open to the petitioner to agitate the matter after the said suit is decided by the Civil Court. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Speaking/Non Speaking
Index :Yes/No
Internet:Yes/No
vri

To
The Thasildar,
Kadambattur Panchayat,
Thiruvallur Taluk,
Thiruvallur District.

15.02.2018



WEB COPY

K.RAVICHADNRABAABU,J.

vri



W.P.No.38113 of 2016

WEB COPY

15.02.2018