

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13835 of 2016
and W.M.P.No.12129 of 2016

Sasikala

.. Petitioner

Vs.

1. The Director,
Land & Survey Reforms,
Survey House, Chepauk,
Chennai-5.
2. The Assistant Director,
Land & Survey Reforms,
Survey House, Chepauk,
Chennai-5.
3. The District Collector,
Collectorate,
Thiruvavur District.
4. The Special Tahsildar,
Town Survey Scheme,
Thiruthuraiipoondi,
Thiruvavur District.
5. The Tahsildar,
Taluk Office,
Thiruthuraiipoondi,
Thiruvavur District.

6. A.Vetriselvi

7. Moideen

.. Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents especially the fourth respondent as not to do any modification or creation of new patta and to conduct a survey until by order of civil court by abuse of powers in any manner.

* * *

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents: Mr.N.Inbanathan,
Additional Government Pleader for RR1-5

Mr.V.Kasinatha Baharathi for R6

No Appearance for R7

O R D E R

This writ petition is filed praying a Writ of Mandamus directing the respondents, in particular, the fourth respondent not to do any modification or creation of new patta and to conduct a survey only after the judgment is passed by the civil court.

2. There seems to be rival claims between the petitioner and the respondents 6 and 7. The petitioner seems to have purchased the house site in Survey No.168/11 to an extent of 4069 sq.ft. by way of registered sale deed dated 17.12.2011 and the patta was also transferred in her name by the revenue authorities. It appears that the sixth respondent also has purchased land in S.No.168/10 and applied before the fourth respondent for patta. According to the petitioner, the purchase by the sixth respondent is bogus and there is no such survey number in the revenue records.

3. Be that as it may, there seems to be suits filed by both the parties. The seventh defendant instituted a suit in O.S.No.44 of 2015 on the file of the learned District Munsif, Thiruthuraipoondi, while O.S.No.141 of 2015 before the same Court was filed by the petitioner. Both the suits are said to be pending till today.

4. The prayer sought for by the petitioner is that based on the finality that may be arrived at in the said civil suits, the survey could be conducted and patta could be issued and till such time, the patta should not be issued in favour of anybody.

5. As there seems to be disputes with respect to the title, which, the revenue authorities cannot go into, the revenue authorities are directed not to issue or transfer any patta, in so far as the petitioner and the private respondents 6 and 7 are concerned, till the finality is reached in O.S.Nos.44 and 141 of 2015.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, W.M.P.No.12129 of 2016 is closed.

Sd/-
Assistant Registrar(CS iii)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Land & Survey Reforms,
Survey House, Chepauk,
Chennai-5.
2. The Assistant Director,
Land & Survey Reforms,
Survey House, Chepauk,
Chennai-5.
3. The District Collector,
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5. The Tahsildar,
Taluk Office,
Thiruthuraiipoondi,
Thiruvavur District.

+1cc to Mr. K.M.Subrahmaniam, Advocate SR.No. 25862
+1 cc to Government Pleader SR.NO. 26313

W.P.No.13835 of 2016

A.SK(05/04/2019)

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