

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.4503 of 2019
and W.M.P.No.5084 of 2019

V.Govindaraj @ Babu Govindaraj

.. Petitioner

/versus/

1.The District Collector,
Collectorate,
Villupuram District.

2.The Tahsildar,
Taluk Office,
Vikkiravandi,
Villupuram District.

3.P.Pugazhendi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records from the 1st respondent pertaining to the impugned order Pa.Mu.A2/36785/2018 dated 22.01.2019 and quash the same.

For petitioner : Mr.P.Vijendran

For Respondents : Mr.N.Inbanathan

AGP for R1 & R2

Mr.Senthil Kumar for R3

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 as well as the learned counsel for the 3rd respondent.

2. This writ petition is against the order passed by the 1st respondent on the application of the petitioner herein to cancel the patta which stands in the name of the 3rd respondent and others. The 1st respondent after detailed consideration of the records and dispute between the petitioner and the 3rd respondent has found that the title suit is pending before the Principal Munsif Court, Villupuram in O.S.No.207 of 2018, hence directed the parties to settle their dispute before the Civil Court and seek for patta in accordance with law.

3. The said order is now challenged in this writ petition reiterating that the petitioner has obtained a decree in his favour in the earlier suit filed by him in O.S.No.257 of 2017 regarding the Will executed by his father. Though the civil Court has found that the alleged Will executed by the father of the petitioner is genuine in O.S.No.257 of 2017, whether his father has title to execute his property through his Will is different issue, which is now seized by the District Munsif Court, Villupuram in O.S.No.207 of 2018. In view of the pendency of the civil suit, the 1st respondent has rightly rejected the representation of the petitioner directing the parties to work out their remedy before the civil Court. Till then no mutation of revenue records can take place in respect of the subject property. This Court finds no illegality in the order of the 1st respondent which is under challenge in this writ petition.

4. With the above observation, this writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The District Collector,
Collectorate,
Villupuram District.

2.The Tahsildar,
Taluk Office,
Vikkiravandi, Villupuram District.

+1cc to Mr.P.Vijendran, Advocate, S.R.No. 95279
+2cc to Mr.C.Senthil Kumar, Advocate, S.R.No. 95396
+1cc to the Government Pleader, S.R.No. 96062

W.P.No.4503 of 2019
and W.M.P.No.5084 of 2019

RR(CO)
GN(30/12/2019)