

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 25.01.2019
CORAM
THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA
W.P.No.32433 of 2018
and W.M.P.No.37631 of 2018

Karunanidhi

.. Petitioner

Vs.

1. The Assistant Tahsildar
Sulur(10) Taluk Coimbatore (12) District,
Coimbatore.
2. The Chief Engineer,
Tamil Nadu Electricity Board Malayandipalayam,
Sulthenpet, Sulur Taluk,
Coimbatore District.

3. Easwara Gounder .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the order Assistant Thasildar Sulur dated 01.12.2017 to quash the same and consequently to direct the 1st respondent to issue the certificate of ownership in the favour of the petitioner with regard to the property S.F.No.323-3A, Malayandipalayam Sulthenpet, Sulur (10) Taluk, Coimbatore (12) District.

For Petitioner : Mr.D.Deivasigamani

For Respondents: Mr.E.Balamurugan

Special Government Pleader for R1

: Mr.S.K.Rameshwar for R2

O R D E R

The Writ Petition has been filed seeking to quash the order passed by the Assistant Tahsildar-the first respondent and to issue the information sought for by the petitioner.

2. Heard Mr.D.Deivasigamani, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the first respondent and Mr.S.K.Rameshwar, learned counsel appearing for the second respondent.

3. The case of the petitioner is that the property devolved on him from his paternal aunt by way of gift deed and hence he became the owner of the property and sought for patta transfer.

4. The learned Special Government Pleader would submit that the Tahsildar has passed a proceedings in g/K.7655/2017/m5, dated 01.12.2017, rejecting the claim of the petitioner, stating that the Survey Nos.323/3A, 323/3C are the subject matter of OS. No.85 of 2017 pending on the file of the District Munsif, Paladam. The petitioner herein is the second defendant in the said suit and the said suit is filed for partition and separate possession.

5. Though it was contended by the learned counsel that the suit mentioned property are different from the one he got by way of gift, on a perusal of the documents, it is found that both the properties are one and the same. Till such time the suit is disposed of, the petitioner is not entitled for any relief. Therefore, the order passed by the Tahsildar is correct and no interference is warranted.

6. Hence, the Writ Petition is dismissed. It is open to the petitioner to apply patta after the disposal of the suit, subject to his rights claimed and declared therein. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jv

To

1. The Assistant Tahsildar
Sulur(10) Taluk Coimbatore (12) District,
Coimbatore.
2. The Chief Engineer,
Tamil Nadu Electricity Board Malayandipalayam,
Sulthenpet, Sulur Taluk,
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GP(CO)
GN(26/02/2019)