IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4399 of 2020
and
W.M.P. No. 5196 of 2020

T.R. Subbarayan ... Petitioner

-vs-

1. The Additional Chief Secretary/
   Commissioner of Land Administration,
   Ezhilagam,
   Chepauk,
   Chennai - 600 005.

2. The Tahsildar,
   Trichengode Town & Taluk,
   Namakkal District.

3. The Special Tahsildar of Settlement,
   Trichengode Town & Taluk,
   Namakkal District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents from mutation of revenue records in respect of property in S.F. No. 146/2 & 152/3, No. 48, Kailasampalayam Village, Ward-C, Block-6, Trichengode Town by following the provision of Rule 4(4) Tamil Nadu Patta Pass Book Rules, 1987, and the dictum lay down by this Court in W.P. No. 9215 of 2013 dated 20.03.2017 as well as circular in Ref. No. K3/27160/2008 dated 13.03.2018 issued by the First Respondent by considering the Petitioner and representation dated 20.03.2019.

For Petitioners :Mr. R. Marudhachalamoorthy

For Respondents :Mrs. A.B. Reehana Begum,
Government Advocate

O R D E R

Heard Mr. R. Marudhachalamoorthy, Learned Counsel for the Petitioner and Mrs. A.B. Reehana Begum, Learned Government

Advocate, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, he has instituted a suit in O.S. No. 271 of 2014 on the file of the District Munsif Court, Trichencode against 35 persons for partition of his property situated in S.F.No. 146/2 and 152/3, No.48, Kailasampalayam Village, Ward-C, Block-6, Trichencode Town, which is pending. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that till the ultimate outcome of the aforesaid suit, the Respondents, who are Revenue Authorities, ought not to make any mutation in the Revenue Records in favour of the parties as per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, 1987, which reads as follows:-

> "In the event of the Tahsildar being satisfied that a dispute concerning ownership of patta is already pending in a Court or issues are raised before him which impinge on personal laws or laws of succession and all the parties interested do not agree on the ownership in writing, he shall direct the concerned parties to obtain a ruling on ownership from a competent Civil Court having jurisdiction before changing the entires as already recorded and existing in the various revenue records."

In that backdrop, this Writ Petition has been filed to restrain the Respondents from mutating revenue records in respect of the aforesaid claim made. Reliance is placed on the order dated 23.10.2017 in W.P. No. 9215 of 2013 passed by this Court and the Circular No. K3/27160/2008 dated 13.03.2018, issued by the First Respondent in furtherance to that order.

3. At the time of hearing, when this Court has made a specific query to the Learned Counsel for the Petitioner as to whether any of the Defendants in the aforesaid suit had made any application before the Respondents for mutation of their names in the revenue records for the property, it was replied in the negative. It has been sought to be explained by the Learned Counsel that the Petitioner apprehends that such mutation in the revenue records would be made as the Third Respondent in his letter No. Roc 18/2018 dated 19.03.2018 sent to the Advocate for the Petitioner in response to his Legal Notices dated 06.02.2018 and 22.02.2018 has stated that no government official has been included as Defendant in that suit and the Court has not granted any injunction in that case.

4. On a careful reading of the aforesaid letter dated 19.03.2018 sent by the Third Respondent to the Advocate for the Petitioner, it is not possible to draw any such inference as sought to be portrayed by the Petitioner as it has been asserted

that no new patta is given to anybody under the revenue follow up work in settlement scheme. The reference to the categories of persons to whom patta is issued under the Scheme cannot be construed to mean as if the Defendants, in the suit filed by the Petitioner in the suit would be granted patta on their mere asking. On the other hand, there is nothing which precludes the Petitioner from impleading the concerned Revenue Authorities as pro forma parties in his suit, if it is his genuine intention to ensure that they are made aware of the progress of that legal proceeding. It is well settled legal position that a mere contemplation or possibility that a right may be infringed without any legitimate basis for that right, would not give rise to a cause of action.

5. That apart, there are no documents available on record to satisfy the Court as to whether the Petitioner really has any title to the property claimed, and the Petitioner has not produced even the copy of the legal notices dated 06.02.2018 and 22.02.2018 sent by his Advocate to the Third Respondent which has been referred in the aforesaid letter dated 19.03.2018 sent by the Third Respondent.

6. As there does not appear to be any justification for entertaining this Writ Petition for the relief as claimed, it is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary/
   Commissioner of Land Administration,
   Ezhilagam,
   Chepauk,
   Chennai - 600 005.

2. The Tahsildar,
   Trichengode Town & Taluk,
   Namakkal District.

3. The Special Tahsildar of Settlement,
    Trichengode Town & Taluk,
    Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate Sr.17348
+1cc to the Government Pleader Sr.17208

W.P. No. 4399 of 2020

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srg 04/06/2020