

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.13565/2020 & WMP.No.16822/2020

T.M.Jayamurugan

.. Petitioner

Versus

1.The District Collector,
Coimbatore District,
Coimbatore - 641 001.

2. The Tahsildar,
Sulur Taluk,
Coimbatore - 641 001.

3. E.Kabirthana

4. E.Pranav

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified mandamus, Calling for the records pertaining to the order of the 2nd Respondent in Na.Kaa. No. 3546 / 2019 / A5 dated 08.01.2020 and quash the same and consequently direct the 2nd Respondent to survey the property comprised in Survey No. 385 / 4, Semmandampalayam Village, Sulur taluk, Coimbatore District 641 001 admeasuring 48 cents based on the application of the petitioner dated 19.07.2016.

For Petitioner : Mr.C.K.M.Appaji

For RR 1 & 2 : Mr.K.Parameshwaran, GA

ORDER

(1)This writ petition has been filed challenging the order passed by the 2nd respondent dated 08.01.2020.

(2)The case of the petitioner is that the subject property was purchased by the petitioner from one Chitra through a registered Sale Deed dated 03.02.2016. The further case of the

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petitioner is that he was put in possession and enjoyment of the property immediately after the purchase of the property and he is also paying the Kist to the Revenue Department. The petitioner applied for issuance of patta before the 2nd respondent. The application made by the petitioner was rejected by the 2nd respondent through proceedings dated 08.01.2020. Aggrieved by the same, the present writ petition has been filed before this Court.

(3) Heard the learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate accepting notice on behalf of respondents 1 and 2.

(4) It is seen from records that there is a suit pending in OS.No.187 of 2016 on the file of the District Court, Coimbatore. The suit has been filed for the relief of declaration and also for partition. This suit is admittedly pending. The 2nd respondent, therefore rejected the application filed by the petitioner on the ground that the survey cannot be conducted till the suit is disposed of by the competent Civil Court.

(5) In the considered view of this Court, the 2nd respondent was perfectly right in not entertaining the application filed by the petitioner since the 2nd respondent has to necessarily await for the final judgment and decree in the pending suit. Conducting the survey and fixing the boundary, will tantamount to interfering with the pending proceedings before the competent Civil Court. Therefore, the petitioner has to necessarily await for the final verdict in the pending suit.

(6) In view of the above, this Court does not find any ground to interfere with the impugned order passed by the 2nd respondent. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector,
Coimbatore District,
Coimbatore - 641 001.

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2. The Tahsildar,
Sulur Taluk,
Coimbatore - 641 001.

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