



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.1986 of 2018

WEB COPY

S.Vasantha

... Petitioner

Vs.

The State rep by
The Tahsildar,
Taluk Office,
Aranthangi Taluk,
Pudukkottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to survey the land and grant patta in the name of the petitioner with respect to the property situated in Pudukkottai District, Aranthangi Taluk, Kurumbur Village, SF.No.131/1C1B for an extent of 50 cents, based on the petitioner's patta name transfer application dated on 09.03.2017 and petitioner's representation dated on 19.12.2017.

For Petitioner	: Mr.S.Karthick Subramanian
For Respondent	: Mr.C.Ramesh Special Government Pleader

ORDER

This writ petition is filed to direct the respondent to survey the land and grant patta in the name of the petitioner, with respect to the property in SF.No.131/1C1B measuring to an extent of 50 cents, situated in Pudukkottai District, Aranthangi Taluk, Kurumbur Village, based on the petitioner's application dated on 09.03.2017 and petitioner's representation dated on 19.12.2017.

2.Heard Mr.S.Karthick Subramanian, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent.

3.According to the petitioner, her mother-in-law has purchased the land in SF.No.131/1C1B measuring to an extent of 50 cents, situated in Pudukkottai District, Aranthangi Taluk, Kurumbur Village, through a registered sale deed from one Sundararasu. Thereafter, the petitioner's mother-in-law has executed a sale deed in favour of the petitioner. Therefore, the petitioner has made an application to transfer the patta in her name on 09.03.2017 and the respondent and she has paid requisite fees also.



So far no action has been taken. Hence, the petitioner sent a representation dated 19.12.2017, in this regard. Since no action has been taken, the petitioner is before this Court.

4.The learned Special Government Pleader appearing for the respondent has filed a counter affidavit, wherein it has been stated that there was some objections raised by some of the joint patta holders of the land to cancel the mutation of patta in the name of one Sundararasu, in S.No.131/1C1. Since all the joint pattadhars have equal share in the said land, they also objected to make any further sub-division in S.No.131/1C1B. One Subramanian, who is the one of the joint pattadhar, had filed an appeal before the Revenue Divisional Officer in appeal No.01/2018 and the same is pending for enquiry. Further, it has been stated that at the time of inspection, it was found that the petitioner do not enjoy the property, after proper fixation of boundaries and the petitioner had not submitted any parental link documents to show that the extent of land was belonged to the said Sundararasu. Therefore, since the civil suit is pending, the petitioner has to seek his relief only before the civil Court. Therefore, the petitioner's application cannot be considered.

5.In view of the aforesaid fact and the dispute is pending before the civil Court, it is for the petitioner to work out his remedy before the civil Court. At this stage, as rightly stated in the counter affidavit filed by the learned Special Government Pleader appearing for the respondent, the petitioner's application cannot be considered and the same is liable to be dismissed.

6.With the above observations, this Writ Petition stands dismissed. It is for the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To
The Tahsildar
Taluk Office,
Aranthangi Taluk,
Pudukkottai District.

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+1 CC to SGP (SR-18499[F] dated 30/09/2020)

W.P. (MD) No.1986 of 2018
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KG (CO)
KM (14.10.2020) 3P 3C