



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.13928 of 2019

[Video Conferencing]

Mr.G.Kannadhasan

... Petitioner

Versus

1. The Tahsildar
Attur Taluk
Attur
Salem District.

2. The Deputy Tahsildar
Attur Taluk
Attur,
Salem District.

... Respondents

PRAYER : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to consider the representation dated 13.12.2018 for patta transfer in the revenue records in respect of property bearing Survey Nos. 14/5, 14/6 with an extent 3.80 Acre at Sathapadi Village, Attur Taluk, Salem District in favour of the legal heirs of Mr.Ganesan.

For Petitioner : Mr. L.Rajendran

For Respondents : Mr. Yogesh Kannadasan
Government Advocate

ORDER

The Writ Petition had been filed on 10.04.2019 seeking a Mandamus directing the first respondent, namely, Tahsildar, Attur Taluk, Attur, Salem District, to consider the representation of the petitioner dated 13.12.2018 for patta transfer in the revenue records with respect to the property bearing Survey Nos. 14/5, 14/6 with an extent 3.80 Acre at Sathapadi Village, Attur Taluk, Salem District.

2. The said lands had been originally purchased by the father of the petitioner Ganesan by way of two sale deeds in the



years 1992 and 2003. After death of the said Ganesan, the petitioner had, on behalf of his mother and two other brothers given that particular representation seeking patta in their names.

WEB COPY

3. Mr. Yogesh Kannadasan, learned Government Advocate, brought to the notice of this Court an order passed on 31.07.2019 by the Tahsildar in Na.Ka.No. 2149/2019/A2 wherein, it had been mentioned that there was a litigation in O.S.No. 297 of 2014 pending before the District Munsif Court at Athur, which suit was with respect to a dispute over title over the very same lands between the father of the petitioner and his brother and it also appears that subsequent to the death of the father, the petitioner himself had been impleaded as a party to the said suit.

4. Under these circumstances, by the said order dated 31.07.2019, the Tahsildar had opined that patta cannot be granted since the suit is pending. Very unfortunately, the petitioner had not disclosed about the pendency of the suit in the affidavit or anywhere in the Writ Petition. Copy of the plaint had also not been filed along with the documents to the Writ Petition. I am afraid, no orders granting Mandamus can be passed.

5. In the result, this Writ Petition is dismissed. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Vsg
To

1. The Tahsildar
Attur Taluk
Attur, Salem District.
2. The Deputy Tahsildar
Attur Taluk, Attur,
Salem District.

+1cc to Mr.L.Rajendran, Advocate SR.No.40011
+1cc to Government Pleader SR.No.40357

WP.No.13928 of 2019

SSD(CO)
GMY(03/09/2021)