

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

W.P.No.16195 of 2018
and
WMP.No.19282 of 2018

Nithyakalyani

... Petitioner

vs.

- 1.The District Collector,
Namakkal District,
Namakkal.
2. The District Revenue Officer,
Namakkal District,
Namakkal.
- 3.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
- 4.The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
- 5.Srinivasan

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent not to transfer the patta in regard to the property at S.No.79-4A at Thondipatti Village, Tiruchengode Taluk measuring to an extent of 3.00 acres, pending disposal of the appeals preferred before the Hon'ble Sub-Court, Tiruchengode in A.S.No.21 of 2010 and A.S.No.22 of 2011 in the light of the proceedings of 4th respondent in Pa.Ma.No.11758/6(ii)/2013-14 dated 27.02.2014 by considering petitioner's representation dated 11.06.2018.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Ms.A.Madhumathi
Special Government Pleader
For R1 to R4

O R D E R

This writ petition has been filed by the petitioner for issuance of a writ of Mandamus directing the first respondent not to transfer the patta with regard to the property in S.No.79-4A at Thondipatti village, Tiruchengode Taluk measuring to an extent of 3.00 acres, pending disposal of the appeals preferred before the Hon'ble Sub Court, Tiruchengode in A.S.No.21 of 2010 and A.S.No.22 of 2011 in the light of the proceedings of 4th respondent in Pa.Ma.No.11758/6(ii)/2013-14 dated 27.02.2014.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4.

3. The petitioner's sons represented by the petitioner filed a suit for partition in O.S.No.532 of 2004. It is submitted that the said suit was dismissed by a judgment and decree dated 02.07.2010. The petitioner filed another suit in OS.No.932 of 2004 for injunction in respect of the same suit property and the same was also dismissed by the judgment and decree dated 02.07.2010. The petitioner states that as against the judgements in OS.Nos.532 & 932 of 2004, two appeals have been preferred in AS.Nos.21 of 2010 & 22 of 2011 respectively before the Sub Court, Tiruchengode. Since the appeals are pending, the petitioner has come forward with the present petition to issue a positive direction to the respondent not to transfer patta in relation to the properties, which are also the subject matter of the suit properties. Unfortunately, the petitioner has not given the facts leading to her claim or about her right or the rights of her children to pursue the suits. The suits were also dismissed.

4. In view of the above, this Court is of the view that there is no prima facie case in favour of the petitioner in respect of her claim. The Revenue Officials have limited jurisdiction regarding the entries made in the Revenue records. However, the limited jurisdiction of the Revenue Officials is not controlled by any other statute. Though under Section 14 of Tamil Nadu Patta Passbook Act, 1983, the Civil Court can ultimately decide the issue regarding title, even if patta is denied to one under the Tamil Nadu Patta Passbook Act, 1983, the limited jurisdiction cannot be curtailed or ousted by citing the pendency of a suit or an appeal before the Civil Court and hence, the prayer in the writ petition cannot be granted. However, the petitioner is at liberty to approach the Revenue Officials for appropriate relief depending upon the verdict in the appeals, which are now pending before the Sub Court, Tiruchengode.

5. With the above liberty, the writ petition stands closed. No Costs. Consequently, connected miscellaneous petition is also closed.

kmi

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Namakkal District,
Namakkal.
 - 2.The District Revenue Officer,
Namakkal District,
Namakkal.
 - 3.The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
 - 4.The Tahsildar,
Tiruchengode Taluk,
Namakkal District.
- 1 cc to M/s. R. Jayaprakash, Advocate Sr.20127
 - 1 cc to the Government Pleader Sr.20157

W.P.No.16195 of 2018
and

सत्यमेव जयते

WMP.No.19282 of 2018

CP(CO)
EU 4.6.2021

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